

CHAPTER 3

CITY ADMINISTRATION

3.01 **CORPORATE SEAL.**

(A) The corporate seal of the City shall be the same as that heretofore provided and used by the City. It shall be circular in form with the words, "**City of Belleville, Illinois**", in the exterior circle, and the figure of an eagle in the center.

(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.

3.02 **ELECTIONS.**

(A) **Election Procedures.** The provisions of the **Illinois Compiled Statutes, Sections 5/3-2-1, et seq.**, and of **Chapter 10**, concerning municipal elections, shall govern the conduct of the City elections.

(B) **Voting Hours.** The judges of election shall keep the polls open during the hours prescribed by law. **(#2311)**

(C) **Beginning of Electives' Terms.** The City hereby adopts the date of **May 1st** (the beginning of the City's fiscal year) as the date for the beginning of the term of officials elected at the April elections. **(Ord. No. 3779; 03-16-81)**

3.03 **CITY OFFICERS.**

(A) **Appointment.** On the first Monday of May in each year, or as soon thereafter as possible, there shall be appointed by the Mayor, with the approval of the City Council, all appointive City officers, who shall hold their several offices for the term of **one (1) year** and until their successors are appointed and qualified.

(B) **Offices Vacated by Removal.** Any officer of the City who leaves the City with the intention of permanently residing without the limits thereof shall be deemed to have vacated his office.

(1) If the City Attorney fails to qualify under **Sections 3.14(F)(1)** or **(2)** for any reason other than voluntarily discontinuance of the private practice of law, or fails to qualify under **Sections 3.14(F)(3)** or **(4)** for any reason, the attorney's appointment shall be deemed terminated. **(Ord. No. 7686; 05-06-13)**

(C) **Leaves of Absence.** Any officer desiring to be temporarily absent from the City shall apply to the Mayor for leave of absence, which may, in the discretion of the Mayor, be granted in writing for any time not exceeding **twenty (20) days**, and when granted shall be filed with the City Clerk.

(D) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor all books, papers, furniture, and other things appertaining to such office and which is the property of the City.

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

(F) **Fees.** No officer of the City shall be entitled to charge or receive any fees as against the City of Belleville.

(G) **Report of Fees.** All officers of the City entitled to receive fees, shall keep a correct amount thereof, and make a report thereof, under oath, to the Council on the first Monday of May, August, November and February in each year. In the report they shall specify from whom such fees where received, for what service and when received. All fees received shall be paid over into the City Treasury, except when otherwise provided.

(H) **Building Fees.** All plumbing fees, building permit fees and electrical inspection and boiler inspection fees shall be deposited with the City Clerk on or before the **eighth (8th) day** of each month by the City officials charged with the collection thereof. **(#2169)**

(I) **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 ordinance.

3.04 APPOINTMENT OF SUBORDINATES. The City Clerk and City Treasurer, severally, shall appoint the various clerks and subordinates in their respective offices which the City Council may authorize, and shall be responsible, severally, for the fidelity of all persons so appointed by them. This power, however, is subject to the provisions of **Section 5/10-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes.**

3.05 BONDS OF CITY OFFICERS.

(A) **Amount.** Bonds of City officers shall be executed in the following penal sums:

Mayor	\$ 3,000.00
City Clerk	10,000.00
License Collector	3,000.00
Chief of Police	3,000.00
Lieutenants of Police	500.00
Sergeants of Police	500.00
Fire Chief	500.00
City Attorney	1,000.00
Assistant City Attorney	1,000.00
City Engineer	5,000.00
Superintendent of Streets	4,000.00
Superintendent of Waste Water Treatment and Sewer Lines	5,000.00
Electrical Inspector	1,000.00

Inspector of Steam Boilers

2,000.00

Superintendent of Cemetery	2,000.00
Supervisor of Sewer Collections	5,000.00
Director of Finance	3,000.00
Board of Police & Fire Commissioners	1,000.00 (Ord. No. 5747; 07-21-97)

The City Treasurer shall post a bond in the amount of \$160,000.00; said bond shall be his public official bond and shall also be the bond for the Police Pension Fund, Firemen's Pension Fund, Sewer Rental Fund and the Cemetery Fund. (Ord. No. 3437; 06-20-77) (Ord. No. 5147; 11-01-93) (Ord. No. 5144; 11-01-93)

(B) **Premium Payment by City.** Whenever the City Treasurer or City Clerk shall furnish a surety bond required by ordinance, the City may, upon proper allowance by the City Council, pay the premium due upon such bond, not exceeding **one percent (1%)** per annum on the amount of the bond.

(C) **Surety.** The City Council shall not receive or approve any bond or security whereon the name of the Mayor, any one of the Aldermen, or any of the 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 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. (Ord. Nos. 2539, 2672, and 2677)

3.06 CITY OFFICES CONSOLIDATED.

(A) The City Council may, from time to time by ordinance, 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 said 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.

3.07 REFUSAL TO PERFORM DUTIES. Any officer of the City who refuses to discharge any lawful duty imposed upon him by any ordinance of this City shall on conviction thereof be fined not less than **Twenty Dollars (\$20.00)** nor more than **Two Hundred Dollars (\$200.00)**.

3.08 MAYOR.

(A) **Appointment of Officers.** The Mayor, by and with the advice and consent of the City Council, shall appoint all City officers whose election or appointment is not otherwise provided for by law. The Mayor, by and with the advice and consent of the Council, shall appoint such special legal counsel as the Mayor may deem expedient. Such consent for all such appointments or temporary appointments shall be expressed by a majority of the Council members authorized by law to be elected, by a vote taken by yeas and nays and entered upon its record.

(B) **Notice to City Council of Appointment.** Whenever a vacancy occurs in any office which by law the Mayor is required to make an appointment, the Mayor shall, within **sixty (60) days** after such vacancy occurs, communicate to the Council by written notice or verbally at a duly called meeting of the City Council the name of the appointee or temporary appointee to such office. The City Council shall vote on the pending appointment in a period of time of not less than **ten (10) days** nor more than **twenty-one (21) days** after receiving such notification.

(C) **Temporary Appointment.** Pending the concurrence of the Council in such appointment, the Mayor may designate a suitable person to discharge the functions of such office. The Mayor shall notify members of the City Council of such temporary appointment within **forty-eight (48) hours** of making the appointment. A temporary appointee shall not serve for more than **thirty (30) days** without approval by a majority vote of the City Council.

(D) **Rejection of Appointment.** Should the name of any Mayoral appointment or temporary appointment fail to receive a majority vote by the members of the City Council authorized by law to be elected, the employment of the appointee so rejected shall cease within **sixty (60) days** after the vote. The Mayor shall determine the exact date of termination but in no case shall employment and accompanying salary, wages or compensation of the person so rejected continue beyond **sixty (60) days** from the date so rejected by the City Council. Any person rejected for appointment shall not be further recommended to the City Council for the position so rejected or as a temporary appointee for the position so rejected until the beginning of the next fiscal year. Until a successor is appointed and qualified, the Mayor, by and with the advice and consent of the City Council, shall make a temporary appointment of a suitable person other than an appointee so rejected.

(E) **Removal of Officers.** The Mayor may remove any officer appointed by him as provided by law.

(F) **Signature.** The Mayor shall sign all commissions and permits granted by authority of the City Council, except as may be otherwise provided.

(G) **General Duties.** In addition to the foregoing, and to the duties imposed upon him by law, the Mayor shall perform such other duties pertaining to his office, as are or may be required of him by ordinance. **(Ord. No. 5730; 05-05-97)**

(H) **Overtime and Compensatory Time Review.** For budgetary purposes, all department heads shall turn over to the Mayor's office on a bi-monthly basis all overtime and compensatory time for their department during the preceding **two (2) weeks**. Both the name of the employee, the date and hours worked and the reason for the overtime must be on this report. This report is separate from the report that must be turned in to Human Resources. **(Ord. No. 6331; 09-17-01)**

3.09 CITY CLERK.

(A) **Council Minutes.** 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.

(B) **Records.** The City Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the City Council and at the foot of the record of each ordinance so recorded, he shall make a memorandum of the date of the passage, and when published, of the publication of such ordinance. He 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.

(C) **Papers.** The City Clerk shall deliver to the several committees of the City Council, and to the officers of this City, all petitions, communications, reports, resolutions, orders, claims and other papers, referred to those committees or officers, by the Council, on demand therefor. He shall also, without delay, deliver to the Mayor all ordinances or resolutions in his charge, which may require to be approved or otherwise acted upon by the Mayor.

(D) **Commissions, Licenses.** The City Clerk 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, and he shall in like manner attest all deeds for the sale of real estate owned and conveyed by this City.

(E) **Report on Licenses.** The City Clerk shall report to the City Council at its regular meetings held on the first Mondays in January, April, July and October in each year, and oftener if the Council so requires the data contained in his license register with respect to licenses issued during the previous quarter.

(F) **License Plates.** In all cases where the City requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain from the City Clerk plates, tags or stickers, it shall be the duty of the City Clerk to deliver such plates, tags or stickers free to the person paying the license fee.

(G) **Successor.** The City Clerk shall carefully preserve in his office all books, records, papers, maps and effects of every 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 official term, he shall deliver all such books, records, papers and effects to his successor in office.

(H) **Payroll.** The City Clerk shall prepare the City payroll for all persons who come under appropriations for salaries.

(I) **Payments.** The City Clerk shall daily prepare an itemized list of all moneys received and shall deliver a copy of the same to the City Treasurer and shall also daily pay over to the City Treasurer all moneys received by him and take a receipt therefor.

(J) **Warrant Register.** The City Clerk shall keep an accurate register of warrants drawn upon the City Treasurer, specifying the date, to whom payable, the amount, and the particular fund or appropriation to which the same is chargeable.

(K) **Ex-Official Clerk of Town.** The City Clerk shall be ex-officio clerk of the Town of Belleville, and shall keep a separate record of all proceedings in relation to the town.

(L) **Ex-Officio Clerk of Board of Local Improvements.** The City Clerk shall be ex-officio clerk of the Board of Local Improvements, and shall keep a separate record of all proceedings in relation thereto.

(M) **Other Duties.** In addition to the foregoing duties, the City Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or by resolution or ordinance of the City Council.

3.10 ASSISTANT CITY CLERK. The office of Assistant City Clerk is hereby created. The assistant shall be appointed by the City Clerk at the first regular meeting of the Council in May of each year. The Assistant Clerk shall perform such duties as may be prescribed by the City Clerk. **(2000)**

3.11 **DEPUTY CLERK.**

(A) There is hereby created the office of Deputy Clerk.

(B) The City Clerk shall 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 own name and the words "**Deputy Clerk**".

(C) The powers and duties herein described shall be exercised 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 to exercise such power or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such functions. **(2372)**

3.115 **LICENSE COLLECTOR.**

(A) **Created.** There is hereby created the office of License Collector.

(B) **Appointment.** The License Collector shall be appointed by the Mayor by and with the consent of the City Council.

(C) **Oath and Bond.** The License Collector before entering upon the duties of his office, shall take the oath of office prescribed by law, and shall execute a bond to the City of Belleville with sureties as shall be approved by the City Council, conditioned for the faithful performance of the duties of his office.

(D) **Supervision.** The License Collector shall be under the supervision of the City Clerk and shall perform such duties as the Clerk shall direct, and in addition thereto shall initiate prosecution against all parties in violation of any of the ordinances of the City of Belleville prescribing the purchase of a license for any purpose whatever.

(E) **Salary.** There shall be allowed and paid to the License Collector an annual salary as provided in the appropriation ordinance which shall be paid in equal semi-monthly installments. **(2677)**

3.12 **BUDGET SYSTEM.**

(A) **Adoption of Annual Budget.** The City hereby adopts **Sections 5/8 -2-9.1** through and including **Section 5/8-2-9.10 of Chapter 65 of the Illinois Compiled Statutes** providing for an Annual Municipal Budget in lieu of the passage of an Annual Appropriation Ordinance. **(#3192; 01-21-74)**

(B) **Director of Finance.** The Mayor, with the approval of the City Council, shall appoint a Director of Finance, who shall have the powers, duties and responsibilities enumerated in the above sections of the **Illinois Compiled Statutes** as they are now or may hereafter be required by the City Council, however, such bond shall not be less that required by statute.

In addition to the powers, duties and responsibilities enumerated in the above section of the Illinois Compiled Statutes, the Director of Finance shall be responsible for direct management and supervision of the financial affairs of the City not otherwise reserved to the

City Treasurer. Such functions shall include, but not be limited to: responsibility for the general accounting and financial reporting of the City's operations; supervision and coordination of the preparation of the Annual City Budget; analyzing financial records to forecast future cash flow and financial results; evaluating needs and sources for short-term and long-term financing; directing and formulating internal control systems; supervising all Accounts Payable functions; oversee the Centralized Purchasing functions; coordinate the Annual Audit; evaluate, plan and develop management information system for all areas of the City's operations; develop a Capital Improvement Plan; discharge such duties as may be assigned by the Mayor or the City Council. **(Ord. No. 5584; 06-18-96)**

(C) **Assistant Budget Officer.** The Mayor, with the approval of the City Council, may appoint an Assistant Director of Finance whose duties and responsibilities shall be to assist the Director of Finance in all matters set forth in paragraph (B). The Assistant Director of Finance shall give a bond in each sum as may be required by the City Council; however, such bond shall not be less than required by statute. **(Ord. No. 3236; 07-01-74)**

(D) **Compensation.** The Director of Finance and Assistant Director of Finance shall receive such compensation as set from time to time by the Mayor and City Council. **(Ord. No. 3236; 07-01-74)**

(E) **Office of Purchasing.**

(1) **Duties and Responsibilities.**

- (a) There is hereby established an Office of Purchasing under the direction of the Purchasing Agent and the office will be responsible to the Finance Director for the entire purchasing program.
- (b) The office or designee shall have the following responsibilities, in addition to any others designated by the City Council:
 - (i) Act to procure all necessary supplies, materials, and services subject to City Council approval, for the efficient operation of the City at the lowest possible cost.
 - (ii) Discourage collusive or restrictive bidding and endeavor to obtain as full and open competition as possible on all purchases.
 - (iii) Establish all rules and regulations authorized by this ordinance and amend, when necessary, with the approval of the City Council.
 - (iv) Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and keep abreast of the benefits of research done in the field of purchasing by: other governmental jurisdictions, national technical associations, trade associations having national recognition and by private businesses

and organizations.

- (v) Prescribe and maintain forms necessary to the operation of this ordinance.
- (vi) Prepare, adopt and maintain a vendor's catalog file; said catalog shall be filed according to materials and shall contain descriptions of vendor's commodities and prices.
- (vii) Exploit the possibilities of buying "in bulk" to take full advantage of discounts.
- (viii) Act to procure all federal and state tax exemptions to which the City of Belleville is entitled.
- (ix) Cooperate with other personnel to secure the maximum efficiency in budgeting and accounting.
- (x) Declare as irresponsible those bidders or vendors who default on their quotations, and to disqualify them from receiving any business from the City of Belleville for a stated period of time, as determined by the City Council.

(2) **Operation Procedures.**

- (a) All departments shall henceforth submit requisition orders to the purchasing office as the first step in procuring supplies, materials, services or equipment.
- (b) The purchasing designee shall review each request form, have the authority to consult the Requesting Department, and make any necessary revisions. The designee must communicate with the Requesting Department before making any decision that deviates from the original request.
- (c) When the estimated cost of materials, supplies and contractual services, except as otherwise provided herein, exceeds **Ten Thousand Dollars (\$10,000.00)** they shall be purchased by sealed bids, formal bidding procedures, and from the lowest and best bidder after an adequate period of public notice.
 - (i) Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and supplied needed for use by the City of Belleville, and when the expense thereof will exceed **Ten Thousand Dollars (\$10,000.00)** shall be constructed either:
 - (1) by a contract let by the City Council to the lowest responsible bidder after advertising for bids;
 - or (2) any such contract may be entered into by the proper officers without advertising for bid, if authorized by a vote of **two-thirds (2/3)** of all

the aldermen then holding office.

- (ii) Public notices shall be published in at least **one (1) newspaper** of general circulation in the City of Belleville, and shall be published at least **ten (10) days** prior to bid closing. The newspaper notice required herein will include at a minimum: a brief description of the item to be purchased or sold, where bid blanks and specifications may be secured, the time and place for bid opening and a rejection rights clause.
- (iii) The purchasing office shall also solicit sealed bids from all responsible prospective suppliers, vendors and contractors. The purchasing agent shall have the authority to pre-qualify any potential contractor or vendor and solicit sealed bids from them.
- (iv) The purchasing agent shall have the authority to call a pre-bid conference with prospective bidders after draft specifications have been prepared. Such conferences help detect unclear provisions and tend to widen competition by removing unnecessarily restrictive language.
- (v) Liability protection shall be sought on service procurement specifications to protect the City of Belleville from any unforeseen liability or loss. Service procurement specifications shall include a "hold-harmless" and a "certificate-of-insurance" clause. The hold-harmless insert requires the contractor or service provider to "save and hold-harmless" the City of Belleville from any alleged damage as a result of work performed or not performed. The certificate-of-insurance clause specifies the contractor must furnish a "proof of purchase", which indicates the existence of insurance in sufficient quantities to protect all parties in the event of loss.
- (vi) Bond, with sufficient sureties, in such amount as shall be deemed adequate, not only to insure performance of contract in the time and manner prescribed in the contract, but also to save, indemnify, and keep harmless the municipality against loss, may be required of each bidder upon contracts involving amounts in excess of **Ten Thousand Dollars (\$10,000.00)** when, in the opinion of the purchasing office, the public interest will be served thereby.

- (vii) All sealed bids shall be publicly opened by the purchasing agent of the City of Belleville, or by an officer or employee in the office of the purchasing agent duly authorized in writing by the purchasing agent to open such bids. Bid openings shall be witnessed by a representative of the City Clerk's Office and the involved Department Head or designee. Written notice of all bid opening dates and times shall be forwarded to the City Clerk and involved Department Head or designee upon bid letting. All such bids shall be open to public inspection in the office of the purchasing agent for a period of at least **forty-eight (48) hours** before award is made.
- (viii) Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void. Each bidder shall accompany his bid with a sworn statement, or otherwise swear or affirm, that he has not been a party to any such agreement. Any disclosure in advance of the opening of bids, of the terms of the bids submitted in response to an advertisement, made or permitted by the purchasing agent shall render the proceedings void and shall require re-advertisement and re-award.
- (d) The purchasing designee, with consent of the City Council, shall have the authority to reject any or all sealed or quoted bids.
 - (i) In determining the responsibility of any bidder the purchasing agent may take into account other factors in addition to financial responsibility, such as past records of transaction with the bidder, experience, adequacy of equipment, ability to complete performance within a specified time limit and other pertinent considerations.
 - (ii) Any and all bids received in response to an advertisement may be rejected by the purchasing agent if the bidder is not deemed responsible, or the character or quality of the services, supplies, materials, equipment or labor does not conform to requirements or if the public interest may otherwise

be served thereby. If the contract is

- awarded to a bidder other than the lowest, a written statement of reasons shall be prepared and placed into the public record.
- (e) Purchases of materials, supplies and contractual services with the estimated value of less than **Ten Thousand Dollars (\$10,000.00)** may be made on the open market without public advertisement, and the requirements of the formal bid procedures are not applicable.
 - (i) Open market purchases shall be based on **three (3) competitive bids**, whenever possible, and shall be solicited by mail, phone and bulletin board notice.
 - (ii) Open market purchases shall also be based on the "lowest responsible bidder", whenever feasible.
 - (f) Emergency purchases above **Ten Thousand Dollars (\$10,000.00)** may be made in order to protect life, health or safety of citizens. Those permitted to purchase emergency materials shall be Department Heads and they shall be required to submit a monthly record of emergency purchases. All emergency purchases must be approved by the City Council as required by state law.
 - (g) Disposition of surplus, obsolete, or worn-out material or equipment for sale, shall be done by the Purchasing Office in conformance with competitive conditions, including when necessary, newspaper advertising and sealed bids. Items valued at **Ten Thousand Dollars (\$10,000.00)** or less may be sold by Purchasing. Items valued greater than **Ten Thousand Dollars (\$10,000.00)** must be approved for sale by the City Council. The sale or trade of vehicles, regardless of value, must be approved by the City Council.
 - (h) All contracts to which the City of Belleville is party, shall contain a non-discrimination in employment clause which provides, "The contractor shall not discriminate against any employee or applicant because of race, creed, sex, color or national origin throughout the contract period".
 - (i) The purchasing designee, or authorized representative, shall assist in the inspection or supervise the inspection of all deliveries or contractual services to determine adherence to advertised specifications.
 - (j) The purchasing designee shall be vested with the authority to require the prompt reporting and subsequent reassignment of any surplus materials, supplies or

equipment. These transfer capabilities include, but are not limited to, obsolete items, surplus items, and items no longer in use.

(Ord. No. 5587; 05-20-96)

3.13 CITY TREASURER.

(A) **Money; Warrants.** The City Treasurer shall receive all moneys belonging to the City, and shall pay all warrants signed by the Mayor and countersigned by the City Clerk and not otherwise, and shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto. 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 City Clerk with his monthly reports.

(B) **Register.** The City 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.

(C) **Funds.** The City 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 subsection (C) shall subject him to removal from office by the City Council.

(D) **Delinquent Officers.** The City Treasurer shall report to the City Council any officer authorized to receive money for the use of the City who may fail to make a return of the moneys received by him at the time required by law.

(E) **Bookkeeping.** The City Treasurer shall keep his books and accounts in such manner as to show the 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 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, or the Finance Committee of the City Council.

(F) **Monthly Statements.** The City Treasurer at the end of each month, and oftener when required by the City Council, shall make a report in writing of all moneys collected by him and the account whereon collected.

(G) **Annual Account.** The City Treasurer shall annually prepare and file an account with the City Clerk an account of all monies received and expenditures incurred during the preceding fiscal year in accordance with the requirements set forth in Illinois Municipal Code. The City Clerk's office shall publish such account in accordance with the requirements of the Illinois Municipal Code.

(Ord. No. 7056; 11-20-07)

(H) **Ex-Officio Collector of Special Taxes and Special Assessments.** There is hereby created the office of Collector of Special Taxes and Special Assessments. The City Treasurer shall be ex-officio Collector of Special Taxes and Special Assessments.

(I) **Funds Separate.** Moneys received by the City Treasurer on any special assessment shall be held by him as a special fund to be applied to the payment of the improvement for which such special assessment or special tax was made, or to reimburse the City for money expended for such improvement.

(J) **Duties.** The City Treasurer as Collector of Special Taxes and Special Assessments shall execute all warrants for the collection of special taxes and special assessments, which by law and ordinance may be executed by such collector, and he shall collect all special taxes and special assessments which are or may be levied or assessed by virtue of any ordinance for the making of any local improvement.

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(K) **Receipts; Discounts.** The City Treasurer shall receive and give a receipt for payment by any person against whose property special taxes are assessed for local improvements, or whose property is assessed for local improvements, or whose property is assessed as specially benefited by local improvements, in the amount of his special tax or special assessment, less such discount as may be authorized by the contract for the making of such improvement. The City Treasurer shall not allow any discount upon any such special taxes or special assessments, except when paid before or within **ten (10) days** from the completion and acceptance of the whole or such part of the improvement as may be provided in the contract.

(L) **Adjustment of Accounts.** In the adjustment of accounts of the City Treasurer with the City Clerk, there shall be an appeal to the Finance Committee of the City Council, whose decision in all matters of controversy arising between these officials shall be final, unless the Council shall otherwise provide.

(M) **Municipal Bonds and Debt Payments - Responsibility for Assuring Timely Disbursements.** It shall be the responsibility of the City Treasurer to pay all principal and interest payments for bond and other debt obligations of the City of Belleville in a timely manner utilizing an automated payment scheduling system as well as assuring that all bond covenants are being met. **(Ord. No. 5641; 10-21-96)**

3.14 CITY ATTORNEY.

(A) **Duties.** The City Attorney shall prosecute and defend all suits and actions originating and pending in any court of this state to which the City is a party, or in which, in the opinion of the Mayor or City Council, the interests of the City are affected, or in which the official acts of any of the officers, agents or employees of the City are involved. He shall advise the City Council and its committees, and any City officer, on such legal questions as may arise in relation to the business of the City, and shall perform such other services as may be required of him.

(B) **Documents Drafted.** The City Attorney shall draw ordinances as may be required by the City Council or by a committee thereof. He shall draw the leases, deeds, contracts and other papers connected with any of the departments of the City when required to do so by the head of such department or by the Mayor or Council. All ordinances introduced before the Council shall first be submitted to the City Attorney to consider their proper construction and legality.

(C) **Suits.** The City Attorney may dismiss any suit instituted by or in behalf of the City only with the written consent of the Mayor.

(D) **Report.** The City Attorney shall make a report to the City Council on the first Monday of May, August, November and February in each year, and also at the close of his term in office, of all his acts and doings, including an abstract of his docket. He shall, at the same time, settle with the City Treasurer, and pay over to him all moneys in his hands belonging to the City.

(E) **Successor.** Upon the expiration of his term of office, or his resignation or removal, the City Attorney shall forthwith, upon demand, deliver to his successor in office

all deeds, leases, contracts, books, and papers in his hands belonging to the City or delivered to him by the City or any of its officers, and all papers in actions prosecuted or defended by him, then pending and undetermined.

(F) **Qualifications of City Attorney.** The City Attorney shall reside in Belleville or within **ten (10) miles** of the City limits of Belleville. **(Ord. No. 7686; 05-06-13)**

3.141 ASSISTANT CITY ATTORNEY. There is hereby created the office of Assistant City Attorney. The Assistant City Attorney shall assist the City Attorney in all matters outlined in **Section 3.14. (2672)**

3.142 FEES FOR SUITS. In all suits prosecuted by the office of the City Attorney, there shall be assessed a fee of **Five Dollars (\$5.00)** payable to the City of Belleville. **(2688)**

3.15 PERSONNEL MANAGER AND AFFIRMATIVE ACTION OFFICER.

(A) **Created.** There is hereby created the appointive office of Personnel Manager and Affirmative Action Officer. He/she shall be appointed and serve in accordance with the provisions of **Section 3.08** of this Code.

(B) **Duties.** Manager and Affirmative Action Officer shall:

- (1) Ensure that all requirements of existing Civil Rights laws, Affirmative Action Programs and all other legal requirements pertinent to Equal Employment Opportunity and non-discriminatory practices are in place and properly functioning in the City of Belleville.
- (2) Work with the Personnel Committee of the City Council and the Mayor in developing personnel procedures, policies, wage guidelines, job descriptions, and employee records systems.
- (3) Train all management staff in personnel matters and administration.
- (4) Assist with the development and implementation of new employee benefit programs.
- (5) Participate with management and staff in day-to-day personnel activities, contract negotiations, addressing grievances, counseling, and in the hiring process of the City employees.
- (6) Attend City Council meetings, departmental meetings and such other meetings as may be necessary to adequately discharge his/her duties.
- (7) Perform any other duties that may be assigned by the City. **(Ord. No. 5201; 01-03-94)**

3.16 **INSPECTOR OF WEIGHTS AND MEASURES.** The Mayor, by and with the advice and consent of the City Council, shall appoint an inspector of Weights and Measures. The Inspector of Weights and Measures shall have the powers and perform the duties as are provided by law.

3.17 **CUSTODIAN OF CITY HALL.** The Mayor, with the approval of the City Council shall appoint a custodian of the City Hall. The custodian shall be appointed in like manner and at such time as provided for the appointment of City officers and he shall be governed by the same rules and regulations prescribed for City officers. **(Ord. No. 2071)**

3.18 **SALARIES AND INSURANCE.**

(A) The salaries of the Mayor, City Clerk and City Treasurer shall be those listed below which will take effect on the effective date listed below:

<u>Effective Date:</u>	<u>5/1/09</u>	<u>5/1/10</u>	<u>5/1/11</u>	<u>5/1/12</u>
Mayor	\$75,000.00	\$77,625.00	\$80,341.00	\$83,152.00
City Clerk	\$65,000.00	\$67,275.00	\$69,629.00	\$72,066.00
City Treasurer	\$65,000.00	\$67,275.00	\$69,629.00	\$72,066.00

(Ord. No. 7057; 11-20-07)

(B) The Mayor, City Clerk and City Treasurer shall each be entitled to reimbursement for the actual expenditures incurred in the performance of his official duties; prior approval of the City Council shall be required only for those single item expenditures exceeding **One Hundred Dollars (\$100.00)**. **(Ord. No. 3404; 12-06-76)**

(C) All appointed municipal officers and employees shall receive the salary, wages, or other compensation that is fixed by the annual budget ordinance. The salary of each elected official, appointed officer and appointed employee shall, for each department be scheduled as part of the budget document. The total for such schedule shall equal the line item "Personnel Services" object class of each department's budget. Once the Annual Budget Ordinance is adopted, the salary, wages or other compensation of any appointed officer or appointed employee may not be increased without a duly approved amendment to said budget. The salary, wages or other compensation so established shall be paid in bi-weekly installments. If a vacancy occurs after the Annual Budget Ordinance is adopted and before a new appointment or temporary appointment is approved by the City Council, the salary, wages, or other compensation for said vacancy may be raised or lowered by legally amending said budget. **(Ord. No. 5716; 03-17-97)**

(D) **Insurance at Cost.**

- (1) **Elected Official.** Any elected official who has served one full term, is not re-elected or chooses to retire from his/her elected office shall be allowed to continue to participate in the City health insurance indefinitely, so long as they pay their own expenses for premiums and any other cost that may be associated with said coverage.
- (2) **Aldermen.** The aldermen shall additionally be allowed to purchase insurance coverage through the City so long as they pay their own expense for premiums and any other cost that may be associated with said coverage. **(Ord. No. 5419; 04-17-95)**

3.19 **CITY OFFICE HOURS.** The office hours of the City office in the City Hall, except the Police Department, shall be from 8:00 A.M. until 5:00 P.M., Monday through Friday, except legal holidays. **(Ord. No. 4788; 11-19-90)**

3.195 **WORK WEEK.** The work week for all employees of the City of Belleville, other than policemen and firemen, shall be Monday, through and including, Sunday. **(Ord. No. 3275; 12-30-74)**

3.20 **FISCAL YEAR AND MUNICIPAL YEAR.** The fiscal year of the City shall end on April 30 in each year. The municipal year shall commence on the first Monday of May of each year.

3.21 **VACATIONS.**

(A) Employees who have completed **one (1) year** of service with the Employer shall receive **two (2) weeks** vacation with pay per year. Employees who have completed **seven (7) years** of service with the Employer shall receive **three (3) weeks** vacation with pay per year. Employees who have completed **twelve (12) years** of service with the Employer shall receive **four (4) weeks** vacation with pay per year.

(B) Vacation lists are to be posted as of **March 15th** of each year and remain posted until **April 15th** of each year. Employees shall select their vacations according to seniority, and any employee not selecting his or her vacation by **April 15th** shall have his or her vacation scheduled by the Department head.

(C) Appointed officers' vacations shall be designated by the Mayor. **(Ord. No. 3264; 12-02-74)**

3.211 **HOLIDAYS.**

(A) The following designated days shall be legal holidays for all employees:

- | | |
|------------------|----------------------------|
| New Years Day | Thanksgiving and Day After |
| Memorial Day | Christmas Day |
| Independence Day | Good Friday |
| Labor Day | |
| Veteran's Day | |

(Ord. No. 4788; 11-19-90)

(B) If any of the above holidays fall on Saturday, then the immediate preceding Friday shall be considered the holiday. If any of the above holidays fall on a Sunday, the next succeeding Monday shall be considered the holiday.

(C) The following designated days shall be legal holidays for all employees and the City offices shall be closed for **one-half (1/2) day** on such days:

- Christmas Eve

New Year's Eve

Since a full day consists of **eight (8) hours**, a half-day shall consist of **four (4) hours**.

(D) If Christmas or New Year's falls on Saturday, the preceding Friday shall be considered the holiday and Thursday shall be considered the Christmas Eve or New Year's Eve holiday. If Christmas or New Year's falls on Sunday, the following Monday shall be considered the holiday and the preceding Friday shall be considered the Christmas Eve or New Year's Eve holiday. If Christmas or New Year's falls on a Monday, the preceding Friday shall be considered the Christmas Eve or New Year's Eve holiday.

(E) The provisions of this Section shall not apply to members of the Police Department, Fire Department and shift operators at the City Sewer Treatment Plant. Such employees shall be governed by the provisions of their respective union contracts. **(Ord. No. 3264; 12-02-74)**

3.22 IMPROVEMENTS. 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 **Ten Thousand Dollars (\$10,000.00)**, shall be constructed either (1) by contract let to the lowest responsible bidder after advertising for bids, in the manner prescribed by ordinance, 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 the aldermen or trustees then holding office. **(Ord. No. 4724; 04-02-90)**

3.23 CLAIMS.

(A) **Presentations.** All claims against the City for goods purchased, damages, or originating in any other way, except claims for salaries and other allowances that are fixed by ordinance, must be presented on or before the last Monday of each month to the City Clerk. All such claims must be in writing and items shall be specified.

(B) **Reception.** The City Clerk shall receive all such bills and present them on the day following the last Monday of the month to the chairman of the Committee on Claims.

(C) **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, but all such claims must be presented to the Council by the claimant in person or by his representative.

3.24 **TOWN OF BELLEVILLE.**

(A) **Clerk and Collector.** The Town of Belleville and the City of Belleville are co-extensive, and the City Clerk is ex-officio Clerk of the Town of Belleville, and the City Treasurer is ex-officio Collector of the Town of Belleville.

(B) **Elections; Meetings.** The Town of Belleville is divided into **thirty-three (33) election districts**, each district to be co-extensive with and have the same boundaries as the election districts of the City. The voting place in each district shall be the same as that designated by the City Council as the voting place for the election of City officers. The judges of election at any town election shall be the same persons for each district as are appointed as judges for an election for City officers held on the same day. The town meeting for the transaction of town business shall be held in the City Hall in the City of Belleville. **(Ord. No. 4888; 10-07-91)**

3.25 **LIBRARY.**

(A) **Established.** There is hereby established a free public library and reading room for the use and benefit of the citizens of the City, which shall be called the Belleville Public Library.

(B) **Board Created.** The Mayor with the approval of the City Council shall appoint a board of **nine (9) directors**, who shall be chosen from the citizens at large with respect to their fitness for such office. **One (1) member** of the City Council shall be a member of the Board.

(C) **Powers and Duties.** The Board of Directors shall hold office, have such powers and perform such duties as are prescribed by the Illinois Revised Statutes governing such bodies.

(D) **Tax.** In order to maintain the library and reading room a tax not to exceed **nine-tenths (9/10)** of a mill on the dollar may be levied annually. Such tax shall be levied and collected in like manner and in addition to the general rate and to be known as the library fund. **(1592)**

(E) **Injury to Books.** No person shall willfully or maliciously write upon, deface, tear, or destroy any book, newspaper, plate picture, engraving or statue, or piece of furniture belonging to the Belleville Public Library.

(F) **Failure to Return Books.** No person shall fail to return any book belonging to the library in the time and manner required by the library regulations.

(G) **Fines, Library Fund.** All fines collected under the provisions of this section shall be paid into the City Treasury, and shall be credited by the City Treasurer to the Library fund and be kept as part of such fund.

3.26 PLAN COMMISSION.

(A) **Membership.** There is hereby created a City Plan Commission to consist of **nine (9)** voting members appointed by the Mayor with the advice and consent of the City Council, **two (2) members** of which shall be Aldermen. The term of office of members shall be **three (3) years** or until a successor is appointed, except that the terms of the members first appointed shall be so fixed that no more than **three (3) members** shall be so reappointed or replaced. In the event of vacancies, the Mayor shall appoint with City Council consent and approval a replacement to fill the unexpired term members whose terms have expired shall hold office until their successors have been duly appointed. All members of the Commission shall reside within the corporate limits of the City of Belleville or within **one and one-half (1 1/2) mile** planning area excluding territory within the corporate limits of any other municipality, community or village.

The City Engineer, Director of Planning and Development and the Building and Zoning Commissioner shall serve as non-voting Ex-Officio members of the Commission and shall provide technical input and advice on matters. **(Ord. No. 5344; 12-05-94)**

(B) **Duties, Compensation.** It shall be the duty of the City Plan Commission to consider a city plan for the City of Belleville, and matters in regard to future growth, zoning, planning, traffic, etc., in the City, and to make reports and recommendations to the City Council from time to time as occasion warrants. The Commission shall make no expenditure, except after appropriation by the Council, and it shall be optional with the Council whether or not to make appropriation in any year for the Commission. The Commissioners shall serve without compensation and shall not be interested in any contracts with the City, directly or indirectly. Any planning commission member that misses **three (3)** consecutive meetings of the Planning Commission shall forfeit his office as a member of the Planning Commission. **(Ord. No. 5998; 07-06-99)**

3.27 PLAYGROUND AND RECREATION BOARD.

(A) **Established.** A playground and recreation system shall be established, conducted and maintained in the City.

(B) **Members.** The establishment, conduct and maintenance of the playground and recreation system shall be under the jurisdiction of a Playground and Recreation Board consisting of **five (5) members**, appointed by the Mayor with the consent of the City Council. The members of the Board shall serve without compensation. Terms of members of the Board shall be for **five (5) years**, except that the members of the Board first appointed shall be appointed for such terms that the term of **one (1) member** shall expire annually thereafter. If a vacancy occurs in the office of any member, the Mayor shall appoint a successor to serve the unexpired term.

(C) **Powers.** The Playground and Recreation Board shall exercise all the powers and responsibilities, not reserved to the Council, as set forth in the Illinois Municipal Code, Section 11-95-1 to 11-95-10, inclusive. The object in exercise of the powers and responsibilities of the above statute shall be achieved so far as possible by providing a

staff of employees trained in public recreation and leisure-time activities for children, young people, men and women in all walks of life; conducting a program, making use of the physical properties available in the community and surrounding territory; offering leadership in coordinating and correlating all those activities of a similar nature in the community to obtain maximum benefit to the citizens of the City of Belleville; building the public recreation program into and about the public schools and public parks and by identifying it with all public and private organizations having to do with public welfare, education, family relations and juvenile delinquency; focusing public attention, constantly upon the need of adequate provision for year-round healthful recreation of all; solicitation and encouragement of gifts of money and property for the benefit of the community recreation program, but if the acceptance thereof for such purposes shall subject the City to expense for improvements, maintenance or renewals, the acceptance of any grant or devise of real estate shall be subject to the approval of the Council. (#3823; 09-08-81)

(D) **Officers, Duties, Elections.** The officers shall consist of a president, vice-president and secretary. The City Treasurer shall, by virtue of his office, be the treasurer of the Board. The secretary or treasurer need not be a member of the Board. **Two (2) members** of the Board shall serve as a standing finance committee. The elective officers of the Board shall be elected annually at the stated meeting of the Board in the month of May and shall serve until their successors are elected. Vacancies in the elective offices of the Board may be filled for the unexpired term at a stated or special meeting of the Board. The Board shall adopt an administrative manual with such rules, by-laws, and regulations as it may deem proper for the conduct of its work. (#3823; 09-08-81)

(E) **Fiscal Affairs.** The fiscal year of the Board shall conform to the fiscal year of the City. The Board shall, prior to the adoption of annual budget ordinance by the Council each year, submit appropriate budgets as a request to the Council to levy and collect a playground and recreation tax, and any other requests for fund assistance, required by law. The proceeds of the playground and recreation tax and any funds coming into the Board for playground and recreation purposes, shall be held by the City Treasurer, required by law, and paid out by him only with the approval of the Board on vouchers signed by the president or vice-president and secretary of the Board. The City Treasurer shall, by virtue of his office, prepare an annual report in writing, which report shall show receipts from taxes and from other sources as a financial statement due prior to the first day of September. (#3823; 09-08-81)

(F) **Meetings and Procedure.** Special meetings of the Board shall be held on the call of the president. At the request of any **two (2) members** of the Board, the president shall call a special meeting; notice of such meeting and the purpose thereof shall be given all members of the Board at least **twenty-four (24) hours** in advance and the business transacted at such special meeting shall be limited to that contained in such notice, except when all members of the Board attend such special meeting, any business may be transacted. A quorum shall consist of a majority of the Board.

(G) **Administrative Staff.** The administrative staff of the Board shall consist of a Director of Parks and Recreation, and such other employees as shall be deemed necessary. The Director of Parks and Recreation shall be a specially trained and qualified to organize and direct recreation and leisure-time activities of a public nature. Other employees shall be employed by the Board upon recommendation of the Director of Parks and Recreation. The Director of Parks and Recreation shall be the chief administrative officer of the Board and shall be responsible for the program of the Board and for the proper discharge of their respective duties for all other employees. He may also serve as secretary of the Board. **(#3823; 09-08-81)**

3.28 **PUBLIC UTILITY COMMISSION.** The Mayor, with the consent and approval of the City Council, shall appoint a City Public Utility Commission consisting of **five (5) citizens** of the City, at least **two (2)** of the members thereof to be members of the City Council. The purpose of the City Public Utility Commission shall be to receive complaints and grievances of citizens against any alleged unfair treatment, excessive charges, poor service or any other complaints against utility companies. **(#2285)**

3.29 **RESERVED.** (Ord. No. 6942; 12-04-06)

3.295 APPOINTMENT OF EMPLOYEES.

(A) All persons seeking employment with the City of Belleville, other than appointive officers, shall make application for such employment to the office of City Clerk, which application shall then be read at the next regular Council meeting. All such applications must be accompanied by a certified copy of the birth record of the applicant and no more than **ten (10) days** prior to the appointment there should be submitted to the office of the City Clerk, a report of physical examination by a duly licensed physician as more fully set out hereafter in **Section 3.30(E)** of this Chapter. All appointments of employees are to be approved by the City Council at a regular meeting.

(B) **Reserved.**

(C) Any person hired on a full time basis by the City of Belleville shall become a resident of the City within **fifteen (15) months** from the date of his or her employment and his or her continuing residency from that date forward shall be condition of his or her employment. A City employee who has established legal residency outside the City prior to the effective date of this ordinance shall be exempted from the aforesaid residency requirement; however, if any exempted City employee moves from his or her current address (outside the City) that employee must relocate within the City. If a City employee moves from the City of Belleville while this requirement is in effect, his or her employment shall be terminated. **(Ord. No. 5359; 12-05-94) (Ord. No. 6100; 04-03-00)**

(D) All department heads, including the Director of the Public Library and the Director of Parks and Recreation shall become a resident of the City within **fifteen (15) months** from the date of his or her employment and his or her continuing residency from that date forward shall be a condition of his or her employment. If a Department head, the Director of Public Library or the Director of Parks and Recreation moves from the City of Belleville while this requirement is in effect or fails to move into the City within **fifteen (15) months**, his or her employment shall be terminated. **(Ord. No. 6100; 04-03-00)**

(E) Residency of the City Attorney shall be governed by **Section 3.14(F)** of the Code. **(Ord. No. 7686; 05-06-13)**

3.30 SICK LEAVE.

(A) The term '**sick leave**' as used in this Section means any illness or injury incurred while employee is actually in the service of the City.

(B) This Section shall not apply to seasonal workers or employees serving under temporary appointments.

(C) All employees working under the jurisdiction of the Agreement shall receive **fifteen (15) days** per year sick leave, accumulative at the rate of **one and one-fourth (1 1/4) days** per month starting with the first month of employment and shall be able to accumulate an unlimited amount of sick leave; except that the employees of the Belleville Fire Department shall receive **one hundred twenty-six (126) hours** per year sick leave accumulative at the rate of **ten and one-half (10 1/2) hours** per month starting with the first month of employment and shall be allowed to accumulate an unlimited amount of sick leave. In the event the City deems it necessary to have a written statement from the doctor, the

CITY ADMINISTRATION 3.37

employee shall so present it. This is not to be construed that it is necessary to present a doctor's certificate at all times. The employees are not to abuse the provisions of this Section. Over-

time shall not be used for sick leave unless accumulated sick leave has been used. **(Ord. No. 4788; 11-19-90)**

(D) Sick leave as herein provided will be granted only upon a written communication from the head of the department with which employee is connected, recommending that same be granted. **(*This sentence was inadvertently deleted in the last supplement.)*** The department head may require the employee to furnish a certificate from a reputable licensed physician or dentist stating the nature and cause of the illness or injury and stating that employee was physically unable to perform the duties of his employment during the whole of the time that he was absent therefrom. The communication from the department head and physician's or dentist's certificate shall be filed with the City Clerk. Each department head shall keep a complete record of sick leave and the reasons therefor of all employees in his department. **(Ord. No. 3264; 12-02-74)**

(E) It shall be a prerequisite to the employment of any individual seeking employment with the City of Belleville that such individual submit to the City Council through the office of the City Clerk a report of physical examination made by a licensed physician of the State of Illinois no more than **ten (10) days** prior to the submission of the application to the City Council for its consideration of the appointment. Such physical examination shall be made by a physician of the applicant's choice and the City shall not incur any expense therefor. The examination should contain a concluding statement by the examining physician concerning the condition of health of the applicant and shall contain a statement of the degree of work the applicant is capable of performing, there being specified in such statement any limitations because of physical disabilities. Any applicant who is not in good health shall not be eligible for employment. A physical handicap that does not affect the ability of the applicant to perform the employment sought shall not be deemed a bar to employment.

All reports of physical examination submitted as heretofore described are to remain confidential to the officers and Aldermen of the City of Belleville. In the event a person is disqualified by reasons of ill health, such information is not to be divulged to any one other than the applicant or his duly authorized attorney. The requirements of a physical examination shall not apply to appointive officers. **(Ord. No. 2681)**

3.301 FUNERAL LEAVE. When there is a funeral within the immediate family of an employee, such employee shall be allowed **five (5) days** time off, not including Saturday, Sunday, or holidays. Immediate family shall be husband, wife, father, mother, child or step-child of an employee. Where there is a funeral for the sister, brother, father-in-law, mother-in-law, sister-in-law, brother-in-law, step-father, step-mother, grandfather, grandmother

or grandchildren of an employee, such employee shall be allowed **three (3) days** time off, not including Saturday, Sunday or holidays. **(Ord. No. 4788; 11-19-90)**

3.31 OUTSIDE EMPLOYMENT, POLICEMEN AND FIREMEN.

Members of the Police and Fire Departments of this City may be employed or engaged in a business or occupation compatible with their City employment, subject, however, to the following limitations:

(A) They shall not engage in the occupation of bartender, bouncer, or tavern operator; if a policeman or fireman is employed at an organizational dance within the City limits, he shall not be considered to be a bouncer.

(B) They shall not engage in any illegal occupation, such as gambling or working in gambling houses.

(C) **Reserved.**

(D) They shall not be gainfully employed or engaged in any business or occupation other than their City employment for more than **twenty (20) hours** in any calendar week.

(E) They shall not be gainfully engaged in any employment or other business or occupation outside the greater Belleville area.

(F) In the event of injury sustained in gainful employment, business or occupation other than City employment, policemen and firemen shall not be entitled to time off with pay for any lost employment resulting therefrom. In the event that an injury is incurred in said outside gainful employment or occupation and sick pay is denied by the City of Belleville, this shall in no way affect the employee's tenure in his position.

(G) That even though engaged in other approved employment, business or occupation, members of the Police and Fire Department shall be available for call to duty within a reasonable time.

(H) That if the chief of the department has reason to believe that outside employment is adversely affecting the work of any of his men, he should discuss the matter with that employee. After such discussion, if no agreement is reached, both the chief and the employee should request a hearing before the Mayor and the Police and Fire Committees. If the Mayor and the Police and Fire Committees concur in the opinion of the chief, the employee may appeal to a committee composed of **one (1) Alderman** who is not a member of the Police and Fire Committees, a representative of labor and a representative of the Chamber of Commerce. Such representatives shall be mutually agreed upon. If the findings of the Mayor and Police and Fire Committees concur in the opinion of the employee, there shall be no appeal. **(2503)**

3.32 JUVENILE DEPARTMENT.

(A) **Creation.** There is hereby created the office of Juvenile Department and the head of the department shall be known as the Juvenile Officer.

(B) **Juvenile Officer.** The Juvenile Officer shall be appointed by the Mayor by and with the consent of the City Council and the Board of Police and Fire Commissioners of the City of Belleville.

(C) **Duties.** The Juvenile Officer shall have charge of all juveniles either in the Police Station or in any penal institution of the City, and his duties shall be as follows:

1. He shall make investigations on all matters referred by the Belleville Police Department wherein juvenile subjects are involved.
2. He shall complete all papers required by the Twentieth Judicial Circuit Court, St. Clair County, Juvenile Division, for and in the processing of juvenile subjects brought before that court by the Juvenile Department.
3. He shall investigate all reports received by the Belleville Police Department or the Juvenile Department involving the desertion or neglect of minor children and make reports thereon to the Chief Probation Officer of the Twentieth Judicial Circuit Court, St. Clair County, Illinois.
4. He shall process all juvenile subjects and maintain records on all juvenile subjects.
5. He shall prosecute all juvenile offenders when in his discretion such prosecution is necessary, and further, shall prosecute parents when in the opinion of the Juvenile Officer such prosecution is warranted.
6. He shall maintain liaison between the St. Clair County Probation Office, and the Belleville Police Department and the Belleville Juvenile Department.
7. He shall direct the Police Matron to assist him in all investigations involving female juvenile subjects and shall direct her to keep all papers necessary in the processing of all female subjects.

(D) **Supervision.** The Juvenile Officer shall be under the direct supervision and control of the Chief of Police of the City of Belleville, and further shall be subject to executive directives of the office of the Mayor of the City of Belleville. He shall be subject to 24 hour call, but during off-duty hours shall be called only when necessary to process a juvenile offender. Interrogation of juvenile offenders shall not in itself be considered as necessary in regard to this provision concerning off-duty call. The Juvenile Officer, as to the detention of a juvenile subject, shall have such authority as may be conferred upon him by the "**Juvenile Court Act**", being **Illinois Revised Statutes, Chapter 37, Sections 701-1, et seq. (2 640, 2877)**

3.33 BURGLAR AND FIRE ALARM SYSTEMS.

(A) The existing burglary, robbery and fire alarm systems connected to the Belleville Police Department for monitoring shall be connected to a central board owned and operated by the City, within **sixty (60) days** after the acquisition by the City of Belleville of such a central control board.

(B) An electric or control system covering fire, robbery and burglary alarm devices connected with the Police Department of this City shall only be installed in business or public establishments and with the prior permission of the City Council. No automatic telephone dial or radio alarms which are designed to call the Belleville Police Department shall be permitted in the City of Belleville. Any corporation, person or individual servicing, installing or permitting the servicing or installation of an automatic telephone dial or radio alarm system in the City shall be assessed a fine of **Five Hundred Dollars (\$500.00)**. A separate offense shall be deemed committed on each day a violation occurs. Corporations, persons or individuals already having an automatic telephone dial or radio alarm system installed shall have **six (6) months** from the effective date of this ordinance to remove same. **(#3394; 10-18-76)**

(C) Any corporation, person, or individual, servicing or installing a burglary, robbery or fire alarm system in any commercial, institutional or industrial establishment within the City, shall first submit a proposed installation plan to the Chief of Police and to the Chief of the Fire Department, and such system to be connected to the City-owned electric control board. Any such system proposed shall comply with all the rules and regulations for fire prevention and safety as established by the State of Illinois, Department of Public Safety, as they are presently established or as they are, from time to time, amended.

(D) The installation of any such alarm on any premises in the City shall be installed under the supervision of the Chief of Police and the Chief of the Fire Department.

(E) The Chief of Police and the Chief of the Fire Department are hereby empowered to enforce the provisions of this Section to the end that the said system may be unified and operated through the City-owned control board.

(F) The City Council shall decide all questions arising as to the use and operation of such systems, through the City-owned electric control board.

(G) Before permission is granted to any corporation, person or individual for the installation of a burglary, robbery or fire alarm system, or combination thereof, they shall pay to the City Clerk the sum of **One Hundred Dollars (\$100.00)**, constituting a connection fee for such system.

(H) The above connection fee hereby established shall be for the purpose of defraying the cost of supervising the installation of the fire, robbery and burglary

alarm control systems to the City-owned central control board. The actual cost of installation shall be borne by the corporation, person or individual installing same and connecting it to the City-owned central control board.

(I) Any corporation, person or individual requesting permission to install a system through the City-owned electric control board shall be advised in writing by the City Clerk that the City of Belleville assumes no liability whatsoever for the proper installation or maintenance of the system so installed, and shall be further advised in writing that the City assumes no liability whatsoever for the malfunctioning of any such system. The City's only obligation shall be to monitor any alarms sounded through its central control board, and to respond to such alarms in the manner such alarms are usually responded to by either the Police or Fire Departments of this City.

(J) In addition to the connection fee as hereinbefore established, the City Clerk shall collect a fee of **Fifty Dollars (\$50.00)** per annum from the corporation, person or individual connecting any such burglary, robbery or fire alarm system to the central control board owned and operated by the City. Such fees shall be collected annually at the beginning of each fiscal year. Any corporation, firm or individual connecting any such system to the City-owned central control board after May 1st of any given year shall pay the sum of **Five Dollars (\$5.00)** per month, based upon the remaining months of the year, and such sum to be paid in advance for the remainder of the year. **(2870)**

(K) Corporations, persons or individuals permitted to install a system through the City-owned electric control board shall be responsible for any and all false alarms. Each such corporation, person or individual shall be subject to a fine of not less than **Ten Dollars (\$10.00)** nor more than **Five Hundred Dollars (\$500.00)** for each false alarm received in excess of **six (6)** during any **twelve (12) month** period. **(#3394; 10-18-76)**

(L) Any corporation, person or individual already having installed a system through the City-owned electric control board shall not change from one alarm system to another without prior permission of the City Council. Any corporation, person or individual already having installed a system through the City-owned electric control board who wishes to disconnect same shall give written notification to the City Clerk of the City of Belleville prior to disconnection. Thereafter, any corporation, person or individual shall be permitted to reconnect only with prior permission of the City Council and the payment of a new connection fee. **(#3394; 10-18-76)**

3.34 CONFLICT OF INTEREST.

(A) Municipal officer, as used in this Code, shall mean any elected or appointed official of the City of Belleville. Appointed officials shall include, but are not limited to all members of any board, committee, commission or other body appointed by the City.

(B) No municipal officer shall vote on any proposition or issue before the body on which he sits if said officer will be directly or indirectly benefited financially by the passage or failure of the proposition or issue.

(C) When a proposition or issue arises where a municipal officer will be directly or indirectly benefited financially, it shall be the duty of said municipal officer to inform the body on which he sits of the possible financial benefit. If the proposition or issue is to be forwarded to the City Council for the final approval, then it shall further be the duty of said municipal officer to report to the City Council of the City of Belleville, Illinois, of his possible financial benefits from their action. **(Ord. No. 3276; 12-30-74)**

3.35 STATE GIFT BAN CODE.

(A) **Adoption of Act.**

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

(2) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under any Act is prohibited by any elected or appointed official or any employee of the City.

(B) **Ethics Officer.** To the extent authorized by law and to the extent required by Section 35 of the Act **(5 ILCS Sec. 425/35)**, the Chairman of the Ordinance and Legal Review Committee of the City is hereby appointed Ethics Officer. The Ethics Officer's duties shall be as provided in Section 35.

(C) **Local Ethics Commission; Complaints.**

(1) The Ordinance and Legal Review Committee of the City Council shall be the Local Ethics Commission.

(2) The Local Ethics Commission shall have the power and duties set forth in Section 55 of the Act.

(3) To the extent that any of its provisions may be applicable, Section 45 of the Act shall be applicable to the Local Ethics Commission.

(4) The complaint procedure and the enforcement and penalty provisions of the Act and this Section shall be as are provided in Sections 60, 65 and 70 of the Act.

(D) **Existing Ethics Ordinance or Gift Ban Ordinance.** This Code does not repeal or otherwise amend or modify any ordinance which regulates the conduct of City officials and employees.

(E) **Future Amendments to State Gift Ban Act.** Any amendment to the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) that becomes effective after the passage of this Code shall be incorporated into this Code 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 Code by reference without formal action by the corporate authorities of the City.

(F) **Future Declaration of Unconstitutionality of State Gift Ban Act.**

- (1) If the Illinois Supreme Court declares the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) unconstitutional in its entirety, then this Code shall be repealed as of the date that the Supreme Court's decision becomes final and not submit to any further appeals or rehearings. The Code 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.
- (2) If the Illinois Supreme Court declares part of the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Code shall remain in full force and effect; however, that part of this Code 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. 5982; 05-17-99)

3.36 **POWER TO DEDUCT WAGES FOR DEBTS.** When an employee of the City is indebted to the City, the City may withhold from the compensation of that employee the amount of the debt that is due and owing; provided, however, that the maximum deduction for any work week shall not exceed the lesser of (1) **fifteen percent (15%)** of the gross amount paid for that week or (2) the amount by which disposable earnings for a week exceed **forty-five (45) times** the Federal Minimum Hourly Wage prescribed by Section 206(a)(1) of Title 29 of the United States Code as amended, in effect at the time the amounts are payable. No amounts required by law to be withheld may be taken for the amount collected by the creditor. The term disposable earnings means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

The City may deduct any amount from the salary or wage of an employee of this Section. The employee shall be given an opportunity for a hearing to dispute the debt that is due and owing to the City. The hearing shall be conducted by the City Finance

Director. (Ord. No. 6484; 11-18-02)

3.37 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) 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) 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 the 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 rehearings. 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 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 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. (**Ord. No. 6650; 05-03-04**)