

EXHIBIT 'A'

CHAPTER 1

ADMINISTRATION

ARTICLE I - GENERAL PROVISIONS

DIVISION I - TITLE

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

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

1-1-3 **AMENDMENTS.** Any ordinance amending this City Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be semi-annually forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code on a semi-annual basis. **(See 65 ILCS Sec. 5/1-2-3)**

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

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

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

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

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

DIVISION II - SAVING CLAUSE

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

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

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

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

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

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

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

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

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF JACKSON) ss. **CITY CLERK'S OFFICE**
CITY OF MURPHYSBORO)

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

In witness whereof, I have set my hand and affixed the corporate seal of the **City of Murphysboro, Illinois**, this **27th day of August, 1991**.

/s/ James Chambers
JAMES P. CHAMBERS
CITY CLERK
CITY OF MURPHYSBORO

(SEAL)

1-1-13 **RESERVED.**

DIVISION III - DEFINITIONS

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

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

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

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

"CITY" shall mean the City of Murphysboro, Illinois.

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

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

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

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

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

"FISCAL YEAR". The "fiscal year" for the City shall begin on **January 1st** of each year and end on **December 31st** of the same year. **(See 65 ILCS Sec. 5/1-1-2[5]) (Ord. No. 08-08; 04-08-08)**

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

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

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

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

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

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

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

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

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

"OFFICIAL MEETING". This includes regular meetings, special meetings, and any other official meeting at which all members of the City Council are expected to be present in order to discuss City business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION IV - GENERAL PENALTY

1-1-19 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**.

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois**.

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

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

(E) All municipal ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the required fine, plus court costs, unless a court appearance is indicated to be required. **(See 65 ILCS Sec. 5/1-2-7 and 5/1-2-8)**

(F) Each day on which a violation of this Code occurs or continues shall be a separate offense.

(G) The fines and maximum fine authorized herein shall not apply where this Code specifies otherwise or where the penalty is set by the Illinois Vehicle Code, **625 ILCS 5/16-101 et seq.**, or otherwise by the Illinois Compiled Statutes. **(Ord. No. 06-16; 07-11-08)**

1-1-20 APPLICATION.

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

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

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

1-1-21 **LIABILITY OF OFFICERS.** The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

ARTICLE II - CITY OFFICIALS

DIVISION I - CITY COUNCIL

1-2-1 **COMPOSITION AND GENERAL POWERS.** The City Council shall consist of **ten (10)** Aldermen, **two (2)** from each ward, elected in conformity with this Code and State law governing elections in cities and shall have such powers as are granted by **Chapter 65 Illinois Compiled Statutes**. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(1965 Code; § 11-7) (See 65 ILCS Sec. 5/3.1-10-50(D) and 5/3.1-20-10)**

1-2-2 **REGULAR MEETINGS.** The regular stated meetings of the City Council shall be held in the City Hall Building on the **second (2nd) Tuesday** in each month at **7:00 P.M.** during standard time and falls upon a legal holiday, the meeting shall be held on a day and hour as called by the Mayor. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings shall be given in accordance with the **Open Meetings Act of the State of Illinois, 5 ILCS Sec. 120/1 et seq. (See 65 ILCS Sec. 5/3.1-40-25) (Ord. No. 93-4; 07-13-93)**

1-2-3 **SPECIAL MEETINGS.** Special meetings of the City Council may be called by the Mayor or any **three (3)** Aldermen, by giving at least **twenty-four (24) hours notice** thereof, by delivering to them personally, written or printed notices of the time of such meeting at the residences of the Aldermen; such notices shall be served by mail, by the Chief of Police, or his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the City Hall and shall be provided to any local newspaper of general circulation or any local radio or television that has filed an annual request for such notice. The notice shall be provided to such news media in the same manner as the notice is given to the Mayor and members of the City Council, provided such news media has given the City an address within the City at which such notice may be given. **(See 65 ILCS Sec. 5/3.1-40-25 and 5 ILCS Sec. 120/2.02 and 120/2.03)**

1-2-4 **VACANCY.** When a vacancy occurs, if more than **twenty-eight (28) months** remain in the term and the vacancy occurs not less than **one hundred thirty (130) days** before the next consoli-

dated election, the office shall be filled for the unexpired portion of the term by special election at that consolidated election. During the period from the time that the vacancy occurs until the next election of Aldermen, the vacancy may be filled by the appointment of an Alderman by the Mayor with the advice and consent of the City Council. **(See 65 ILCS Sec. 5/3.1-10-50(B))**

1-2-5 **COMMITTEES.** The following standing committees of the City Council, meeting times and places are hereby established, to-wit:

- (A) (1) Public Works, Public Improvement, Public Safety, and Budget and Finance shall meet on the **fourth (4th) Monday** of each month at **5:30 P.M.** at the City Council Chambers. The first committee shall meet and conduct any business, and the remaining committees will consecutively meet thereafter to conduct any business, but not necessarily in the order as listed herein. If any additional meetings are deemed necessary, they will be called as needed by the Chairman of the respective committee.
- (2) Personnel, Buildings and Grounds, and Community Development shall meet at the times, dates and places as called by the Chairman of each respective committee.

(Ord. No. 05-19; 12-13-05)

- (B) The committees shall be appointed annually by the Mayor.
- (C) The Mayor shall be ex-officio chairman of each and every standing committee.
- (D) So far as is practicable, reports of committees shall be in writing.
- (E) As provided by law, any report of a committee of the City Council shall be deferred for final action thereon to the next regular meeting of the Council after the report is made, upon the request of any **two (2)** Aldermen present. **(See 65 ILCS Sec. 5/3.1-40-35)**

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

(G) All committee meetings are subject to the Open Meetings Act requirements and minutes shall be taken. **(See 5 ILCS Sec. 120/1 and 120/2.06)**
(Ord. No. 95-05; 07-11-95)

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

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

EDITOR'S NOTE: When the Council has a Mayor and ten (10) Aldermen, a quorum is six (6), which may consist of the Mayor and five (5) Aldermen, or six (6) Aldermen.

1-2-8 MEMBERS REFUSING TO ATTEND. Any member of the City Council who shall neglect or refuse to attend any meeting of the City Council without good and sufficient excuse to be passed upon by the City Council shall be fined the sum of **Twenty-Five Dollars (\$25.00)** for failure to attend such meeting. No member shall receive compensation for failure to attend said meeting under the provisions of **Section 1-4-1. (See 65 ILCS Sec. 5/3.1-10-50 and 5/3.1-40-20)**

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

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

DIVISION II - RULES OF THE CITY COUNCIL

1-2-12 **RULES OF THE COUNCIL.** The following rules of order and procedure shall govern the deliberations and meetings of the City Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) To adjourn to a day certain.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.
- (5) The previous question.

- (6) To refer.
- (7) To amend.
- (8) To defer or postpone to a time certain.
- (9) To defer or postpone (without reference to time).
- (10) To defer or postpone indefinitely.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1-2-13 **AGENDA.** An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Council no later than the close of business on the Friday preceding the regular Council meeting. In the case of emergency matters, which could not have been reasonably foreseen in sufficient time to comply with this Section, a revised agenda will be furnished to each member of the Council prior to the opening of the Council meeting. **(See 5 ILCS Sec. 120/2.02)**

1-2-14 - 1-2-15 RESERVED.

DIVISION III - ORDINANCES

1-2-16 ORDINANCES.

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

(B) **Vote Required-Yeas and Nays-Record.** The passage of all ordinances for all purposes, except for purposes of taxation allowable exclusively to home rule municipalities, and of any resolution or motion (1) to create any liability against the City or (2) for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the City Council, including the Mayor, unless otherwise expressly provided by the Code or any other act governing the passage of any ordinance, resolution, or motion; provided that, where the Council consists of an odd number of Aldermen, the vote of the majority of the Aldermen shall be sufficient to pass an ordinance. The passage of all ordinances which create or increase any tax allowable by law exclusively to home rule municipalities, shall require the concurrence of **two-thirds (2/3)** of all members then holding office on the City Council, including the Mayor. The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the City Council. In addition, the corporate authorities at any meeting may by unanimous consent take a single vote by yeas or nays on the several questions of the passage on any **two (2)** or more of the designated ordinances, orders, resolutions or motions placed together for voting purposes in a single group, which single vote shall be entered separately in the journal under the designation "omnibus vote", and in such event the Clerk may enter the words "omnibus vote" in the journal in each case in lieu of entering names of the members of City Council voting "yea" and of those voting "nay" on the passage of each of the designated ordinances, orders, resolutions and motions included in such omnibus group. The taking of such single or omnibus vote and such entries of the words "omnibus vote" in the journal shall be a sufficient compliance with the requirements of this Section to all intents and purposes and with like effect as if the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution and motion included in such omnibus group, and separately recorded in the journal. Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any Alderman and shall be recorded in the journal. **(See 65 ILCS Sec. 5/3.1-40-40) (Ord. No. 94-21; 12-13-94)**

(D) **Ordinances – Approval - Veto.** All resolutions and motions (1) which create any liability against a city, or (2) which provided for the expenditure or appropriation of its money, or (3) to sell any City property, and all ordinances, passed by the City Council shall be deposited with the City Clerk. If the Mayor approves of them, he shall sign them. Those of which he disapproves, he shall return to the City Council, with his written objections, at the next regular meeting of the City Council occurring not less than **five (5) days** after their passage. The Mayor may disapprove of any **one (1)** or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion

making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of his signature. **(See 65 ILCS Sec. 5/3.1-40-45)**

1-2-17 RECONSIDERATION--PASSING OVER VETO. Every resolution and motion specified in **Section 1-2-16**, and every ordinance which is returned to the City Council by the Mayor shall be reconsidered by the City Council at the next regular meeting. If, after reconsideration, **two-thirds (2/3)** of all the Aldermen then holding office on the City Council shall agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays and shall be recorded in the journal. **(See 65 ILCS Sec. 5/3.1-40-50)**

1-2-18 NO VOTE TO BE RECONSIDERED AT SPECIAL MEETING. No vote of the City Council shall be reconsidered or rescinded at any special meeting thereof unless at such special meeting there are present as large a number of Aldermen as were present when such vote was taken. **(See 65 ILCS Sec. 5/3.1-40-55)**

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

DIVISION IV - GENERAL REGULATIONS

1-2-21 THE SEAL.

(A) The Seal provided by the Council, consisting of an eagle in the center with the inscription, "**City of Murphysboro, Illinois**" around the outer edge of the seal, shall be and hereby is established and declared to be the seal of the City of Murphysboro, Illinois. **(See 65 ILCS Sec. 5/2-2-12)**

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

1-2-22 ELECTIONS.

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

(B) **Inauguration.** The terms of elected municipal officers of the City shall commence at the first regular meeting of the corporate authorities during the month of May following the general municipal election, at which meeting the newly elected officers shall be sworn by the City Clerk and begin their duties. **(See 65 ILCS Sec. 5/3.1-10-15) (Ord. No. 664; 04-07-81)**

1-2-23 APPOINTMENT OF ELECTED OFFICIALS. No Alderman of this City, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor, except if such Alderman is granted a leave of absence from such office. However, such Alderman may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this Section is void. **(See 65 ILCS Sec. 5/3.1-15-15)**

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

1-2-24 MUNICIPAL OFFICERS - REGULATIONS.

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

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

(C) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the City. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-19** of this Code. He shall not receive his final check until his City Code Book and keys are turned over to the City Clerk. **(See 65 ILCS Sec. 5/3.1-10-35)**

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

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

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

(G) **Conservators of Peace.** The Mayor, Aldermen and Policemen are designated as conservators of the peace, with power to make arrests as provided by law. **(See 65 ILCS Sec. 5/3.1-15-25)**

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

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

(See 65 ILCS Sec. 5/3.1-15-20)

(See "Administration of Oaths", Section 1-2-63)

1-2-25 RESIDENCY. No person shall be eligible to hold any municipal office unless he is a qualified elector of the municipality and has resided therein at least **one (1) year** next preceding his election or appointment. However, these requirements shall not apply to the municipal engineer, municipal attorney or other officers who require technical training or knowledge.

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

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

1-2-29 BIDDING AND CONTRACT PROCEDURES.

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

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Twenty Thousand Dollars (\$20,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **two-thirds (2/3)** of the Aldermen then holding office. **(Ord. No. 12-16; 11-13-12)**

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

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

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

(F) **Bid Opening Procedure.**

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

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

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

(I) **Award of Contract.**

- (1) **Authority in City.** The City Council shall have the authority to award contracts within the purview of this Section.
- (2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the City to accept. In awarding the contract, in addition to price, the City Council shall consider:
 - (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;
 - (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - (d) The quality of the performance of previous contracts or services;
 - (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
 - (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
 - (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
 - (i) The number and scope of conditions attached to the bid.

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

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Twenty Thousand Dollars (\$20,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this Section for the award of formal contracts. **(Ord. No. 12-16; 11-13-12)**

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

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

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

(N) **Purchases by Departments.**

(1) The head of each City department is authorized to make purchases or authorize purchases of supplies, materials, equipment or services if the purchase falls under a line item that has been budgeted for that department by the Annual Budget and so long as the department does not exceed the dollar limit established for that line item for the fiscal year covered by the Annual Budget.

(2) If an item has not been budgeted for or if the department has reached or will exceed its dollar limit for a budgeted line item established by the Annual Budget, and in the event of an emergency involving public health or public safety, or where immediate expenditure is necessary for repairs to City property in order to protect against further loss or damage to City property, or to prevent or minimize disruption in City services, the following department heads are authorized to make purchases or authorize purchases of supplies, materials, equipment and services, when the cost thereof shall not exceed the following amount stated for each department:

Administration	\$250.00
Public Works	\$1,500.00
Police	\$500.00
Fire	\$500.00

If the cost thereof will exceed or is anticipated to exceed the above stated amount for that department but is less than **Ten Thousand Dollars (\$10,000.00)**, upon request for approval by

the department head, the purchase may be authorized in writing by the Alderman who shall be assigned over that department by the Mayor, or by the Mayor if the department is administration. In the event the Alderman assigned over the department is unavailable, or the Mayor is unavailable if the department is administration, approval of the purchase may be authorized by the Human Resources Coordinator, or if the Human Resources Coordinator is unavailable, then by the Mayor.

- (3) All purchases made hereunder shall be reported to the Mayor and City Council at its next regular meeting following the purchase.

(Ord. No. 08-01; 05-08-08)

1-2-30 INTEREST IN CONTRACTS PROHIBITED.

(A) No person holding any office, either by election or appointment under the laws or constitution of this State, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the

making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void.

(B) However, any elected or appointed member of the governing body may provide materials, merchandise, property, services or labor if they meet the exemption requirements provided in the **Illinois Compiled Statutes, Chapter 50, Paragraph 105/3, et seq.**

1-2-31 SALARIES.

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

(B) The salaries for elected officials shall be established at least **two (2) months** prior to the general election for such office.

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

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

EDITOR'S NOTE: The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance.

1-2-32 CLAIM PRESENTATION.

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

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

1-2-33 RESERVED.

1-2-34 MUNICIPAL YEAR. The municipal year of the City shall begin on **May 1st of each year and shall end on April 30th of the following year.** No appointment shall be made during the last month of the municipal year in the year of a mayoral election.

1-2-35 **EXPENSES - REIMBURSEMENT.** Any municipal officer or employee is entitled to reimbursement for any reasonable actual expenses incurred by him in the performance of his duties. **(See 65 ILCS Sec. 5/3.1-50-15(B))**

1-2-36 **OFFICIAL RECORDS.** All official records, including the Corporate Seal, shall be kept in the City Hall.

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

1-2-38 - 1-2-40 **RESERVED.**

DIVISION V - MAYOR

1-2-41 **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until a successor is elected and has qualified. **(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-15-10) (Ord. No. 800; 08-07-89)**

1-2-42 **MAYOR PRO-TEM.** During a temporary absence or disability of the Mayor which incapacitates him from the performance of his duties, but does not create a vacancy in the office, the Mayor shall appoint one of the Aldermen and if he cannot, the Aldermen shall appoint one of its members to act as Mayor Pro-Tem. The Mayor Pro-Tem, during this absence or disability, shall perform his duties and possess all the rights and powers of the Mayor. The Mayor may appoint an Alderman to administer affairs of the City with the advice and consent of the City Council whenever the City Council considers it necessary and expedient. **(See 65 ILCS Sec. 5/3.1-35-35)**

1-2-43 **VACANCY.** If a vacancy occurs in the office of the Mayor and there remains an unexpired portion of the term of at least **twenty-eight (28) months** and the vacancy occurs at least **one hundred thirty (130) days** before the general municipal election next scheduled under the general election law, the vacancy shall be filled at that general municipal election. The City Council shall elect one of its members **"Acting Mayor"**, who shall perform the duties and possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified. **(See 65 ILCS Sec. 5/3.1-10-50)**

1-2-44 **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the City and he shall see to the enforcement of all laws and ordinances. He shall preside over the meetings of the Council and perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and City employees; provided, however, his control is subject to the power of the Council to prescribe the duties of various officers and employees. He shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to City affairs and kept by any officer of the City. **(See 65 ILCS Sec. 5/3.1-15-10 and 3.1-35-20)**

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

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

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

1-2-46 APPOINTMENT OF OFFICERS.

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

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

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

the reasons for such removal or if the City Council, by a **two-thirds (2/3) vote** by yeas and nays of all its members authorized by law to be elected, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which the person was so removed, but the person shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. **(See 65 ILCS Sec. 5/3.1-35-10)**

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

1-2-49 FORMAL OCCASIONS. The Mayor shall act for and on behalf of the City on formal occasions and receptions, but in his absence or inability to attend any such function, the Mayor may select any other City officer to so act.

1-2-50 GENERAL DUTIES. The Mayor shall perform all the duties which are prescribed by law, and shall take care that the laws and ordinances are faithfully executed.

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

1-2-51 BUSINESS LICENSE COMMISSIONER. The Mayor is hereby designated as Business License Commissioner to issue and revoke any and all business licenses as prescribed by law.

1-2-52 LOCAL LIQUOR CONTROL COMMISSIONER. The Mayor is hereby designated as Local Liquor Control Commissioner with all the powers to license and/or revoke any City Liquor License, according to State and City laws. **(See 235 ILCS Sec. 5/4-2)**

1-2-53 HEALTH COMMISSIONER. The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the City authority as prescribed by law.

1-2-54 DECIDING VOTE - MAYOR. The Mayor shall preside at all meetings of the City Council. He shall not vote on any ordinance, resolution or motion except:

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

In each instance specified, the Mayor shall vote. Nothing in this Section shall deprive an Acting Mayor or Mayor Pro-tem from voting in his capacity as Alderman, but he shall not be entitled to another vote in his capacity as Acting Mayor or Mayor Pro-tem. **(See 65 ILCS Sec. 5/3.1-45-5)**

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

DIVISION VI - CITY CLERK

1-2-57 **ELECTED.** The Clerk shall be elected at the same election as the Mayor for a **four (4) year term** and shall serve until a successor is elected and has qualified. **(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-30-5)**

1-2-58 **VACANCY.** If a vacancy occurs in the office of the City Clerk, it shall be filled by the Mayor or with the advice and consent of the City Council. The person so appointed should hold office for the unexpired term of the office. **(See 65 ILCS Sec. 5/3.1-10-50(B))**

1-2-59 **PUBLICATION OF ORDINANCES; COUNCIL MINUTES; RECORDS.**

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

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

(C) **Issue Notices.** The Clerk shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. The Clerk shall issue and cause to be served upon all Aldermen, notices of all special meetings of the City Council; also notices to the members of the different committees of that body and all persons whose attendance may be required before any such committee when so directed by the Chairman thereof. **(See 65 ILCS Sec. 5/1-2-4, 5/1-2-5 and 5/3.1-35-90)**

1-2-60 **DELIVERY OF PAPERS TO OFFICERS.** The Clerk shall deliver to the several committees of the City Council, and to the officers of this City, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Council on demand therefor. The Clerk shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders and claims in his or her charge which may require to be approved or otherwise acted upon by the Mayor. **(See 65 ILCS Sec. 5/3.1-35-90)**

1-2-61 PREPARATION OF DOCUMENTS - COMMISSIONS - LICENSES. The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him or her under this Code and shall attest the same with the corporate seal, and the Clerk shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this City.

1-2-62 REPORT OF LICENSES. The Clerk shall report to the City Council at its regular meeting(s) each month, and more often if the Council so requires the data contained in the license register with respect to licenses issued during the previous month.

1-2-63 DELIVERY OF LICENSES. In all cases where the City requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Clerk, it shall be the duty of the Clerk to deliver such plates, tags, or stickers to the person paying for the license fee.

1-2-64 SUBMIT APPROPRIATION TO CITY COUNCIL. The City Clerk shall, on or before **May 15th** in each year and before the annual appropriations to be made by the City Council, submit to the City Council a report of his or her estimates as nearly as may be of moneys necessary to defray the expenses of the corporation during the current fiscal year. In the report, he or she shall classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, he or she is hereby authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements, and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year.

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

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

1-2-66 **OUTSTANDING BONDS.** The Clerk shall keep in his or her office in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued, or purchased, or paid, or cancelled, the book or books shall show that fact; and in the annual report, the City Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof. **(See 65 ILCS Sec. 5/3.1-35-110)**

1-2-67 **REPORTS.** The Clerk shall, on or before the regular meeting in each month, make out and submit to the City Council a statement or report in writing of all the moneys received and warrants drawn during the preceding month, showing therein from what sources and on what account moneys were received; and for what purpose and on what account the warrants were drawn or paid.

1-2-68 **SUCCESSOR.** The City Clerk shall carefully preserve all books, records, papers, maps and effects of every detail and description belonging to the City or pertaining to the office and not in actual use and possession of other City officers; and upon the expiration of his or her official term, the Clerk shall deliver all such books, records, papers and effects to the successor in office. **(See 65 ILCS Sec. 3.1-10-35)**

1-2-69 **AUDIT ACCOUNTS.** The City Clerk shall audit all accounts or claims allowed by the City Council as provided by the ordinances and when such claims are allowed as aforesaid, the Clerk shall draw a warrant in due form upon the City Treasury therefor.

1-2-70 **WARRANTS.** The Clerk shall keep in a suitable book, an accurate list of all warrants drawn upon the City Treasury, showing the date, number and amount of each and the name of the person in whose favor drawn. There shall be a statement of charges attached to each check drawn. All warrants drawn upon the Treasury shall be signed by the Mayor and countersigned by the City Clerk, and shall specify therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid than upon such warrants so drawn. **(See 65 ILCS Sec. 5/8-1-8)**

1-2-71 **FINANCE COMMITTEE.** The Clerk shall, under the direction of the Finance Committee, open and keep a complete set of books in which, among other things, shall be set forth the appropriations of the fiscal year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue so far as he can ascertain the same.

1-2-72 NOTIFICATION TO PERSONS APPOINTED TO OFFICE.

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

1-2-73 OTHER DUTIES. In addition to the foregoing duties, the Clerk shall perform all other duties pertaining to the office as are or may be imposed upon the office by law or resolution or ordinance of the City Council. **(See 65 ILCS Sec. 5/3.1-10-40)**

1-2-74 DEPUTY CLERK.

(A) There is hereby created the position of Deputy Clerk who shall be appointed by the Mayor with the advice and consent of the City Council. The position of Deputy Clerk will only be filled at such times that the City Council in its discretion determines that a Deputy Clerk is needed to assist in performance of the Office of City Clerk. Any Deputy Clerk shall serve at the will of the City Council and appointment to the position may be discontinued at any time.

(B) The Deputy Clerk 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 power and duties herein described shall be executed by such Deputy Clerk only in the absence of the City Clerk from the place where the Clerk's Office is maintained, and only when either written direction has been given by the City Clerk to such Deputy Clerk to exercise such power or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such functions.

(D) There shall be no compensation for the position of Deputy Clerk.
(Ord. No. 09-04; 01-13-09)

1-2-75 - 1-2-79 RESERVED.

DIVISION VII - CITY TREASURER

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

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

1-2-82 **ELECTION AND VACANCY.** The Treasurer shall be elected at the same election as the Mayor for a **four (4) year term** and shall serve until his successor is elected and has qualified. If a vacancy occurs in the office, it shall be filled by the Mayor, with the advice and consent of the City Council. The person so appointed shall hold office for the unexpired term of the officer elected. **(See 65 ILCS Sec. 5/3.1-30-5)**

1-2-83 **MONEY; WARRANTS; ACCOUNTS.** The City Treasurer shall receive all moneys belonging to this City and shall pay all warrants signed by the Mayor and countersigned by the City Clerk and not otherwise and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He shall give to every person paying money into the City Treasury a receipt therefor, specifying the date of payment and upon what account paid, and he shall file copies of such receipts with the Clerk with his monthly reports. **(See 65 ILCS Sec. 5/3.1-35-40)**

1-2-84 **WARRANT REGISTER.** The Treasurer shall keep a register of all warrants redeemed and paid by him, showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid, and he shall cancel all warrants as soon as redeemed by him. **(See 65 ILCS Sec. 5/3.1-35-40 and 5/3.1-35-45)**

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

1-2-86 BOND. The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than **ten percent (10%)** of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding **five (5) fiscal years**, nor less than **one and one-half (1 ½) times** the largest amount which the Council estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the City, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute.

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

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

1-2-89 STATEMENTS. The Treasurer shall report to the corporate authorities at the first monthly meeting a full and detailed account of all receipts and expenditures of the Municipality as shown by his books, up to the time of the report. **(See 65 ILCS Sec. 5/3.1-35-45)**

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

1-2-91 **YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file with the City Clerk annually an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Treasurer shall show in such account the following:

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

(B) Except as provided in paragraph (C) of this Section all monies paid out by the City where the total amount paid during the fiscal year exceeds **One Thousand Dollars (\$1,000.00)**, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

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

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

Upon receipt of such account from the City Treasurer, the City Clerk shall publish the account at least once in **one (1)** or more newspapers published in the City. (**See 65 ILCS Sec. 5/3.1-35-65**)

1-2-92 **DEPOSIT OF FUNDS.**

(A) **Designation by Council.** The Treasurer is hereby required to keep all funds and moneys in his custody belonging to the City in such places of deposit as have been designated by **Section 1-2-92(D)**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys of the City in the custody of the Treasurer. When a bank has been designated as a depository, it shall continue as such depository until **ten (10) days** have elapsed after a new depository is designated and has qualified as provided by law. When a new depository is designated, the

corporate authorities shall notify the sureties of the Treasury of that fact in writing at least **five (5) days** before the transfer of funds.

(B) **Qualifications of Bank.** No bank shall be qualified to receive City funds or moneys until it has furnished the corporate authorities with copies of the last **two (2)** sworn statements of resources and liabilities which the bank is required to furnish to the auditor of public accounts or to the Comptroller of Currency. Each bank designated as a depository for such funds or moneys shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the auditor of public accounts or to the Comptroller of Currency.

(C) **Discharge from Responsibility.** The Treasurer shall be discharged from responsibility for all funds or moneys which he deposits in a designated bank while the funds and moneys are so deposited. If City funds or moneys are deposited in a designated bank, however, the amount of such deposits shall not exceed **seventy-five percent (75%)** of the bank's capital stock and surplus, and the Treasurer shall be responsible for funds or moneys deposited in the bank in excess of this limitation.

(D) **Investments.** The City Treasurer is hereby authorized to invest surplus funds or reserve funds of the City in the following types of investments:

- (1) General Obligation Securities of the United States of America or of the State of Illinois;
- (2) Certificates of Deposit and Time Deposits in any bank where such investments are insured by the Federal Deposit Insurance Company;
- (3) Money Market Certificates;
- (4) Short Term Discount Obligations of the Federal National Mortgage Association.
- (5) The following bank(s) are herewith designated as places of deposit where the City Treasurer is required to keep all funds and moneys in his custody belonging to the Municipality:
 - (a) City National Bank, Murphysboro, Illinois
 - (b) Charter Bank, Murphysboro, Illinois
 - (c) First Bank and Trust Company of Murphysboro
 - (d) First National Bank and Trust Company, Carbondale, Illinois
 - (e) Illinois State Treasurer's Investment Pool

(See 65 ILCS Sec. 5/3-10-3)

1-2-93 - 1-2-95 RESERVED.

DIVISION VIII - JUDICIARY

1-2-96 **APPOINTMENT OF ATTORNEY.** The Attorney shall be appointed by the Mayor, by and with the advice and consent of the City Council for the term of **one (1) year**, unless sooner removed for cause, and until his successor shall have been appointed and qualified. The Attorney shall have full charge of the law affairs of the City and shall be known as the City Attorney and shall receive an annual salary as determined by the appropriation ordinance, compensation for office services and advice, and shall receive reasonable fees for other services rendered when, in his judgment, or in the judgment of the Mayor or City Council, the same are necessary or are for the best interests of the City. **(See 65 ILCS Sec. 5/3.1-30-5)**

1-2-97 **DUTIES.**

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

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

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

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

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

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

(G) **Commissions.** The City Attorney shall act as the legal advisor for the Utility Systems, for the Plan Commission, for the Zoning Board of Appeals and for all other boards and commissions hereafter established by the City Council. He shall perform all legal services as may be required for those boards and commissions. **(See 65 ILCS Sec. 5/3-7-3)**

1-2-98 - 1-2-104 RESERVED.

DIVISION IX - CITY ENGINEER

1-2-105 APPOINTMENT – DESIGNATED CODE ENFORCEMENT OFFICER AND BUILDING COMMISSIONER. The Mayor, with the advice and consent of the City Council, may appoint an Engineer for the City, who shall serve for the term of the Mayor, or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and City Council. The City Engineer is hereby designated as the Code Enforcement Officer and the Building Commissioner.

1-2-106 DUTIES - SALARY. The Engineer for the City shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the City Council. He shall also examine all public works under his charge and see that the plans, estimates and specifications for the same are properly executed. He shall receive a salary as established in the annual budget.

1-2-107 - 1-2-108 RESERVED.

DIVISION X – BUDGET OFFICER

1-2-109 **STATUTES ADOPTED.** Sections **8-2-9.1** through **8-2-9.10** of **Chapter 24** of the **Illinois Compiled Statutes**, as amended, are hereby adopted by the City and incorporated herewith by reference.

1-2-110 **OFFICE ESTABLISHED.** There is hereby established the office of Budget Officer for the City. (**Ord. No. 98-14; 08-11-98**)

1-2-111 **POWERS AND DUTIES.** The powers and duties of the Budget Officer shall be those powers and duties as are or may in the future be designated, stated or expressed in the laws of the State of Illinois.

The Budget Officer shall prepare monthly utility bills, send out statements and receive collections for the same, and perform any similar functions necessary for the proper execution of the office so designated by the City Council.

1-2-112 **OFFICE.** The Budget Officer shall maintain and operate his office in conformity with current Illinois law.

1-2-113 **SALARY.** The Budget Officer shall receive an annual salary as provided in the Annual Budget.

1-2-114 **PROCEDURE.** The proper method of business called for in **Section 8-2-9.9** of **Chapter 24** of the **Illinois Compiled Statutes**, shall be:

(A) An incorporation of the tentative annual budget into the Minutes of the proceedings of the corporate authorities of the City, and

(B) The filing and placing of a copy of the tentative annual budget for such inspection in the City Hall.

1-2-115 **BUDGET SUPERVISION.** The authority is hereby delegated to the heads of municipal departments, boards and commissions to act in and for the City to delete, add to, change or create sub-classes within object classes budgeted previously to the department, board or commission, subject to such limitation or requirement for prior approval by the Budget Officer or Mayor of the City.

1-2-116 - 1-2-117 **RESERVED.**

**DIVISION XI – CODE ENFORCEMENT OFFICER
(ZONING ADMINISTRATOR)**

1-2-118 **CREATION OF OFFICE.** There is hereby created the executive position of Zoning Administrator, which officer and organizational personnel shall be appointed by the Mayor, with the advice and consent of the City Council. He shall also serve as the Building Inspector, Flood Plain Inspector, and as the Code Enforcement Officer.

1-2-119 **DUTIES.** The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code as amended from time to time, and is in effect in accordance with the powers and duties therein set forth, and in furtherance of such authority shall:

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

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

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

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

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

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

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

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

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

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

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

(L) The Zoning Administrator may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the City Attorney in prosecuting violators, and of other City Officials and officers.

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

1-2-120 - 1-2-121 RESERVED.

DIVISION XII – SUPERINTENDENT OF WATER AND SEWER

(RESERVED)

1-2-122 - 1-2-128 RESERVED.

DIVISION XIII - SUPERINTENDENT OF PUBLIC WORKS

1-2-129 **OFFICE CREATED.** There is hereby created the office of Superintendent of Public Works, an executive office of the City.

1-2-130 **APPOINTMENT.** The Superintendent shall be appointed by the Mayor, by and with the advice and consent of the City Council.

1-2-131 **DUTIES.** The Superintendent of Public Works shall be charged with the duty of all matters pertaining to streets, alleys, drainage, water, sewer and wastewater treatment and such other duties as are further directed by the Mayor and City Council. The Superintendent will receive such compensation as determined by the City Council. **(Ord. No. 05-14; 08-09-05)**

1-2-132 **ORDINANCE VIOLATION.** The Superintendent shall report to the Mayor and City Council any ordinance violation pertaining to matters under his charge of which he may become cognizant. **(Ord. No. 05-14; 08-09-05)**

1-2-133 - 1-2-1-134 **RESERVED.**

DIVISION XIV – CITY ADMINISTRATOR

1-2-135 **OFFICE CREATED.** There is hereby created and established the Office of City Administrator.

1-2-136 **APPOINTMENT.** The City Administrator shall be appointed by the Mayor, by and with the advice and consent of the City Council.

1-2-137 **DUTIES.** Under the direct supervision of the Mayor, the City Administrator will have oversight of all daily administrative functions of the City. Specifically the City Administrator shall have direct supervision of; budgetary and fiscal operations of the City, information systems management, personnel matters and policy and procedure implementation and compliance. Additionally, the City Administrator will assist the Mayor and City Council in directing economic development and business retention efforts within the City and will be responsible for daily supervision of Administrative Annex employees. The City Administrator has the authority to act on behalf of the Mayor at the Mayor’s direction. The City Administrator shall perform other duties as assigned by the Mayor, or directed by the City Council.

(Ord. No. 98-19; 10-13-98)

DIVISION XV – HUMAN RESOURCES COORDINATOR

1-2-138 **OFFICE CREATED.** There is hereby created and established the office of Human Resources Coordinator.

1-2-139 **APPOINTMENT.** The Human Resources Coordinator shall be appointed by the Mayor, by and with the advice and consent of the City Council.

1-2-140 **DUTIES.** The Human Resources Coordinator shall have the basic responsibility of administration of personnel matters, including insurance, other benefits and payroll and such other specific duties as are further directed by the Mayor and City Council. The Human Resources Coordinator will receive such compensation as determined by the City Council.

(Ord. No. 05-15; 08-09-05)

ARTICLE III – OFFICIALS AND EMPLOYEES ETHICS POLICY

DIVISION I - DEFINITIONS

1-3-1 DEFINITIONS. For purposes of this Article, the following terms shall be given these definitions:

"Campaign for Elective Office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (**10 ILCS 5/1-3**).

"Collective Bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (**5 ILCS 315/3**).

"Compensated Time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory Time Off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code (**10 ILCS 5/9-1.4**).

"Employee" means a person employed by the City, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the City of Murphysboro.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but

not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of Absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political Activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political Organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (**10 ILCS 5/9-3**), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited Political Activity" means:

(A) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(B) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(C) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(D) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(E) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(F) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(G) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(H) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

- (I) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (J) Preparing or reviewing responses to candidate questionnaires.
- (K) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (L) Campaigning for any elective office or for or against any referendum question.
- (M) Managing or working on a campaign for elective office or for or against any referendum question.
- (N) Serving as a delegate, alternate, or proxy to a political party convention.
- (O) Participating in any recount or challenge to the outcome of any election.

"Prohibited Source" means any person or entity who:

- (A) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (B) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (C) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (D) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

DIVISION II - PROHIBITED POLITICAL ACTIVITIES

1-3-2 PROHIBITED POLITICAL ACTIVITIES.

- (A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the City in connection with any prohibited political activity.
- (B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- (C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(D) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Article.

(E) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

DIVISION III - GIFT BAN

1-3-3 **GIFT BAN.** Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

1-3-4 **EXCEPTIONS.** Section 1-3-3 is not applicable to the following:

(A) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(B) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(C) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(D) Educational materials and missions.

(E) Travel expenses for a meeting to discuss business.

(F) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(G) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(H) Food or refreshments not exceeding **Seventy-Five Dollars (\$75.00)** per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(I) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(J) **Intra-governmental and Inter-governmental Gifts.** For the purposes of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(K) Bequests, inheritances, and other transfers at death.

(L) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars (\$100.00)**.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

1-3-5 DISPOSITION OF GIFTS. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

DIVISION IV - ETHICS ADVISOR

1-3-6 **APPOINTED.** The Mayor, with the advice and consent of the City Council shall designate an Ethics Advisor for the City. The duties of the Ethics Advisor may be delegated to an officer or employee of the City unless the position has been created as an office by the City.

1-3-7 **DUTIES.** The Ethics Advisory shall provide guidance to the officers and employees of the City concerning the interpretation of and compliance with the provisions of this Article and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the City Council.

DIVISION V - PENALTIES

1-3-8 **PENALTIES.**

(A) A person who intentionally violates any provision of Division II of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(B) A person who intentionally violates any provision of Division III of this Article is subject to a fine in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**.

(C) Any person who intentionally makes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(D) A violation of Division II of this Article shall be prosecuted as a criminal offense by an attorney for the City by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Division III of this Article may be prosecuted as a quasi-criminal offense by an attorney for the City.

(E) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Division II or Division III of this Article is subject to discipline or discharge.

(Ord. No. 06-35; 11-14-06)

[Supplement No. 10; 08-01-13]

ARTICLE IV – SALARIES

1-4-1 SALARIES OF CITY OFFICIALS. The compensation of various corporate officials is as follows:

(A) **Aldermen.** Aldermen shall each be paid the sum of **Two Hundred Fifty Dollars (\$250.00)** per month for attending the regular meetings, special meetings and committee meetings of committees of which they are members. (All members shall be allowed **two (2)** absences from regular or special council meetings for which compensation shall be paid, and additional absences for which compensation shall be paid when a member's absence is excused by the Mayor. Aldermen shall be entitled to reimbursement for actual expenses incurred by them in the performance of their duties. **(Ord. No. 98-15; 09-08-98)**

(B) **Mayor.** The Mayor shall receive an annual salary of **Eight Thousand Four Hundred Dollars (\$8,400.00)**, plus **One Thousand Eight Hundred Dollars (\$1,800.00)** for being Liquor Commissioner. The Mayor shall be entitled to reimbursement for travel and other actual expenses incurred in the performance of mayoral duties for which vouchers have been submitted and approved. **(Ord. No. 85-4; 03-12-85)**

(C) **Clerk.** The City Clerk shall receive a salary of **Thirteen Thousand Five Hundred Dollars (\$13,000.00)** per year after the next general election. **(Ord. No. 00-13; 05-09-00)**

(D) **Treasurer.** The City Treasurer shall receive **Five Thousand Dollars (\$5,000.00)** per year as his salary. **(Ord. No. 00-13; 05-09-00)**

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

[ED. NOTE: The salaries of elected officials who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least one hundred eighty (180) days before to a general municipal election in which voting is held for those offices.]