

## CHAPTER 2

### ADMINISTRATION

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#### ARTICLE I. IN GENERAL

2-1-1. Authority to issue ticket and citations. For the purpose of the enforcement of the provisions of this Code and other ordinances of the city, members of the Police Department shall have the authority to issue tickets or citations for violation of such provisions of this Code or ordinances.

2-1-2. Bonds required from city officers. Before entering upon the duties of his office, a city officer shall execute a bond to the city, with sureties to be approved by the City Council. The bond shall be conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer, according to law and the ordinances of the city, and shall be payable to the city in the following penal sums for the offices indicated:

(1) Mayor	\$ 3,000
(2) City Clerk	10,000
(3) City Treasurer	10,000

2-1-3. Sureties on bonds; payment of premiums. Sureties on the bonds required by city officers shall be corporations licensed and authorized to do business in the State of Illinois as surety companies. The premiums covering said bonds shall be paid from the general revenues of the city.

2-1-4. Duty of city officer to make reports. Officers of the city shall, in addition to the reports required to be made by them, report in writing to the Mayor, when so required, the condition and business of their respective offices or departments, and all matters therein touching the interests of the city. All such

officers shall, when requested, give all the information in their power pertaining to their offices, to the Mayor, the City Council or any committee thereof.

2-1-5. Liability of city officers for negligence. Officers shall be liable to the city for all loss or damage that may result thereto from their negligence or willful misconduct in the discharge of any official duty. The City Council may, in its discretion, by order, withhold the salary of any such officer in order to secure the city from loss.

2-1-6. Duty of city officers to turn over books, records, etc. to successor. Upon the expiration of their term of office, or their resignation or removal, all city officers shall deliver to their successors in office, all books, records, equipment and property of every description in their possession, belonging to the city or pertaining to their office.

2-1-7. No issuance of permit to applicant indebted to city. No permit required by this Code including permits for water and sewer service or building permits shall be issued to any person who is indebted to the city, or to any department thereof, or who is indebted to the city for any fine or penalty adjudged against such person for the violation of any ordinance of the city, unless the indebtedness or the fine or penalty is first paid.

## SECTION ONE

2-1-8. Residence requirement for City employees.

(a) All full-time employees of the City of Arcola as of May 01, 2023, must reside within 50 miles from the City of Arcola.

(b) All persons employed full time by the City of Arcola after May 01, 2023, must reside within 50 miles of the City of Arcola, except at the time of employment when they need not reside in the aforesaid area, but shall establish residence within 50 miles of the City of Arcola within 60 days after the end of their probationary employment period.

(c) All City employees shall maintain an up-to-date record of residence address with the City Clerk.

(d) The provisions of this section may be waived by the City Council where special circumstances exist justifying a full-time City employee residing more than 50 miles from the City of Arcola.

(e) Failure of any employee to comply with this section shall be cause for his removal or discharge from the City's service.

(Ordinance No. 23-C-1 amended April 17, 2023)

2-1-9. Inauguration of newly elected municipal officers. The inauguration of all newly elected officers of the City of Arcola shall be at the first regular meeting of the corporate authorities of the City of Arcola in the month of May following the election of the municipal officers.

(Ordinance No. 93-C-1 amended April 5, 1993)

2-1-10. Authority to sign checks, two signatures required. All checks written on any account of the City shall be signed by at least two of the person holding the following positions with the City: mayor, acting mayor, city clerk, city treasurer, deputy city clerk, city administrator, and water billing clerk.

(Ordinance No. 05-C-2 amended June 6, 2005)

## ARTICLE II. CITY ATTORNEY

2-2-1. Established. The office of City Attorney is hereby established.

2-2-2. Appointment; term. It shall be the duty of the Mayor at the first regular meeting of the City Council on or after May 1 of each year to appoint such City Attorney, who shall be appointed thereafter for the term of one year and until his successor is appointed and qualified. His appointment shall be confirmed by a majority vote of the City Council.

2-2-3. Resignation; ceases to perform duties; temporary successor. If the City Attorney resigns, he shall continue in office until his successor has been chosen and has qualified. If the City Attorney ceases to perform the duties of or to hold his office by reason of death, permanent mental or physical disability, conviction of a disqualifying crime, or dismissal from or abandonment of office, The Mayor may appoint a temporary successor. The appointment of a temporary successor shall be confirmed by a majority vote of the City Council.

2-2-4. Legal advice. The City Attorney shall, when requested, advise the City Council or any city officer in all matters of law in which the interests of the corporation are involved and shall draw ordinances, bonds, and contracts, or examine and approve the same, when required by the Mayor, Council or any committee thereof.

2-2-5. Prosecution of cases. The City Attorney shall prosecute or defend on behalf of the city in all cases in which the interests of the corporation or any office thereof are involved. The City Clerk shall provide the City Attorney with certified copies of any ordinance, bond, or other document in his keeping necessary for the prosecution or defense of any suit or proceeding.

2-2-6. Executions on judgments. The City Attorney shall cause execution to be issued upon all judgments in favor of the city and see to their prompt collection.

2-2-7. Prosecutions of violations of ordinances. The City Attorney is charged with the prosecution of all actions for violation of the ordinances of the city, and with the conducting of all proceedings in court, or on appeal therefrom. He shall institute and prosecute an action in every case where there has been a violation of the city ordinance when instructed to so by the Mayor or Council, or upon the complaint of any other person, when, in his judgment, the public interests require that the same be prosecuted.

2-2-8. No duty to prosecute malicious complaint. The City Attorney is not required to prosecute any suit or action arising under the ordinances of the city when, upon investigation of the same, he is satisfied that the complaint was instituted maliciously or vexatiously and without probable cause, and he may discontinue any such suit or proceedings upon such terms as may seem to him just and equitable.

### ARTICLE III. CITY CLERK

2-3-1. Duties at Council meetings. (a) The City Clerk shall attend all meetings of the City Council, and shall keep in a suitable book, to be styled the Journal of the City Council, a full and faithful record of its proceedings. He shall issue and cause to be served upon the Alderman, notices of all special meetings of the City Council.

(b) The City Clerk shall, without delay, upon the adjournment of the Council, deliver to the several committees of that body and to the officers of the corporation, all petitions, communications, reports, resolutions, orders, claims and other papers, referred to those committees or officers by the Council. He shall also, without delay, deliver to the Mayor all ordinances or resolutions, in his charge, which are required to be approved or otherwise, acted upon by the Mayor.

2-3-2. Seal. The Clerk shall be the custodian of the corporate seal, and shall affix its impression on documents whenever this is required.

2-3-3. Duty to prepare documents. The City Clerk shall prepare all commissions, licenses, permits, and other official documents required to be issued by him, under the laws and ordinances of the city, and shall attest the same with the corporate seal. He shall in like manner, attest all deeds for their sale of real estate owned and conveyed by the city.

2-3-4. Appointment of Deputy Clerk. (a) The City Clerk is authorized to appoint a Deputy Clerk who shall have the power and duty to execute all documents required by any law or ordinance to be executed by the Clerk, and affix the seal of the city thereto whenever required.

(b) When signing any documents the Deputy Clerk shall sign the name of the City Clerk followed by the word “By” and the Deputy Clerk’s own name and the words “Deputy Clerk.”

(c) The powers and duties herein described shall be exercised by such Deputy Clerk only in the absence of the City Clerk from his office, and only when written direction has been given by the City Clerk to exercise such power, or if the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such function.

2-3-5. Record keeping. The City Clerk shall carefully preserve in his office all books, records, papers, maps and effects of every description, belonging to the city and pertaining to his office. Upon the expiration of his official term, he shall, on demand, deliver all such books, records, papers and effects to his successor in office.

2-3-6. City Collector. The City Clerk shall hold the office of City Collector and shall perform all of the duties of such office.

2-3-7. Compensation. The City Clerk shall be compensated at an annual rate of \$4,200, payable monthly, provided that this rate of compensation shall not change the existing rate of compensation of the City Clerk during his or her present term of office and any increase shall only take effect upon the commencement of the Clerk’s next term of office.

(Ordinance No. 12-C-4 amended October 01, 2012)

#### ARTICLE IV. CITY COLLECTOR

2-4-1. Creation of office. There is hereby created the office of City Collector.

2-4-2. City Clerk to hold office. The City Clerk shall hold the office of City Collector.

2-4-3. Duties. It shall be the duty of the City Collector to prepare, mail, and collect the water and sewer bills, to collect and receive all money due on special assessments and special taxes that are not paid directly to the Treasurer, and to keep such records pertaining to such collections as may be required by statute or ordinance.

2-4-4. Reports. The Collector shall make such reports regarding delinquent special assessments as are required by statute, and shall make periodic reports to the City Council, showing what money has been received and the source thereof. The Collector shall also make an annual report, during the last month of the fiscal year, showing all the activities of his office.

## ARTICLE V. CITY COUNCIL

2-5-1. Meetings generally. (a) Regular meetings. The regular meetings of the City Council shall be held on the first and third Monday of each month at the hour of 7:30 p.m., provided that if the regular meeting falls on a legal holiday, the meeting shall take place on the next secular day at the same hour. Adjourned meetings may be held at such time as the Council may determine.

(b) Special meetings. Special meetings of the Council may be called by the Mayor or any 3 or more Alderman by filing a request therefor in writing with the City Clerk, specifying the purpose for which such special meeting is called and directing the City Clerk to notify the members of the Council of the time, place and purpose of such meeting. No business shall be transacted at such special meeting except that specified in the request unless all Aldermen are present and unanimously agree thereto.

(c) Place of meeting. The Council shall meet in the Municipal Building, located at 114 North Locust Street.

2-5-2. Quorum, absences and penalty for absences. A majority of the corporate authorities shall constitute a quorum for the transaction of business by the City Council. If for any reason a quorum of the Council shall not appear at any regular or special meeting, the Mayor may forthwith cause a summons to be served by any person authorized to serve a summons on the members of the Council who do not appear or remain at such meeting, requiring such absent members to appear forthwith at such meeting. Any member of the Council absent from any regular or special meeting of the City Council shall not be paid for each meeting that he is absent.

### 2-5-3. Meeting Conduct

(a) Order of business. At a meeting of the City Council, the Mayor shall take the chair at the appointed hour, and call the members to order. The roll shall be called, and if a quorum is present, the order of business shall be as follows, except when altered by the Mayor, in the Mayor's sound discretion:

- (1) Roll Call;
- (2) Pledge of Allegiance;
- (3) Public Comment;
- (4) Old Business, including but not limited to, the approval of minutes of previous meetings, approval of bills, approval of the Treasurer's report and approval of the zoning officer's report;
- (5) New Business, including but not limited to the passage of resolutions and ordinances;
- (6) Committee Reports;

(7) Adjournment.

(b) Public comment. The rules and procedures for public comment at all open meetings of the City Council and all City committees/boards shall be as follows:

- (1) A public comment period shall be held during every open meeting of the City Council and all City committees/boards. Except upon motion approved by a majority of the City Council or City committee/board, the public comment period shall not exceed thirty (30) minutes for open meetings of the City Council and Zoning Board, and (2) fifteen (15) minutes for open meetings of all other City committees/boards. The right to public comment does not apply to closed meetings/executive sessions.
- (2) Anyone desiring to address the City Council or a City committee/board must sign in at least five (5) minutes before the start of the meeting at which the person desires to speak. The person shall list his or her name and address when he or she signs in.
- (3) Public comment shall be permitted by the presiding officer only during the designated public comment period specified on the agenda. The presiding officer shall recognize registered speakers in the order in which they signed in.
- (4) Public comment is limited to a total of five (5) minutes per registered speaker at any open meeting of the City Council and is limited to a total of three (3) minutes per registered speaker at any open meeting of a City committee/board. A speaker cannot give his or her allotted minutes to another speaker.
- (5) Once a registered speaker has been recognized by the presiding officer, the speaker shall only speak from the location where he or she is standing or sitting and shall not approach the members of the Council, committee, or board. Registered speakers shall begin their comments by stating his or her name and address.
- (6) The public comment period is not intended to require members of the City Council or City committee/board, or City staff to provide responses or answers to questions to speakers. Discussions between speakers, members of the audience, and representatives of the City shall not be permitted.
- (7) After a speaker has concluded making a public comment, or his or her allotted time for public comment has expired, he or she shall be seated with no further debate, dialogue, or comment.

- (8) All comments must be civil and respectful in nature. Any speaker making defamatory, obscene, discriminatory, threatening or abusive comments or behavior, may be deemed out of order by the presiding officer, the speaker's public comment may be terminated, and if the comments or behavior persist, the speaker may be required to leave the meeting.
- (9) If numerous persons wish to speak on a single issue, the presiding officer may recognize a specific number of registered speakers to make comments regarding the matter, though all of the time allotted for public comment shall be utilized. Any registered person who is not able to address the City for this reason or due to the expiration of the time allotted for public comment will be encouraged to attend a subsequent meeting to address the City Council or City committee/board, and/or to provide written comments.

(Ordinance 15-C-3, amended July 06, 2015)

2-5-4. Council procedure. (a) Voting. Every member present when a question is taken, shall vote, unless excused by the Council, or unless he may be directly interested in the question, in which case he shall not vote. Every motion shall be reduced to writing if the Mayor or any member desires it.

(b) Question to be stated. Every question or motion when seconded, shall be stated by the Mayor distinctly before it is open for debate. The Mayor may call any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

(c) Votes to be recorded. If any member requires it, the yeas and nays upon any question shall be taken and entered on the journal.

(d) Clerk to forward papers. The City Clerk shall forward all papers to the appropriate committee and officers as early as the third day after the reference shall have been made.

(e) Reconsideration of motions. When a motion has once been carried in the affirmative or negative, it shall be in order for any member who voted on the side which prevailed to move a reconsideration thereof at the same meeting of the City Council, but not at any time thereafter, but no question that has been once decided and reconsidered, and decided the second time, shall again be considered.

(f) Written communications. Written communications received by the city need not be read in full but the City Clerk may report the substance thereof only to the Council and thereafter the Mayor may refer the communication to the appropriate committee; provided, however, that any such communication shall be read in full and separately acted upon by the Council if so requested by the Mayor or any member of the Council. Upon completion of the reading or reporting of all communications, a motion shall be made and a vote taken relative to the referrals of the communications made by the Mayor.



(g) Referral to committee. When any new matter introduced at any meeting, it shall be referred by the Mayor without discussion to the appropriate committees, and lay over until the next meeting, unless by the consent of two-thirds of all the member of the Council, the same shall be taken up for immediate consideration.

(h) Robert's Rules of Order. In all matters not particularly specified in the above rules, the Council shall be governed by "Robert's Rules of Order" for parliamentary and legislative practice.

(i) Changes in procedure. These rules of procedure shall not be repealed, altered, amended or suspended, unless by the concurrence of two-thirds of all the Alderman elected.

2-5-5. Standing committees generally. (a) Standing committees of the City Council shall be composed of 4 members, and shall be appointed by the Mayor annually on entering upon his office; and the first person named in the committee shall be the Chairman thereof.

(b) The following standing committees shall be annually appointed:

- (1) Finance, budget, inventory control, purchasing and contracts.
- (2) Municipal, public and employee relations and co-ordination, and municipal buildings.
- (3) Ordinance revision and enforcement; printing and elections.
- (4) Parks and recreation.
- (5) Police Department, Fire Department and traffic.
- (6) Sanitation, Board of Health and public health.
- (7) Streets, alley drainage, and street lights.
- (8) Water and sewer.

2-5-6. Committee procedure. (a) Appointment. The members of any committee shall be appointed by the Mayor unless stated otherwise in this Code. The Mayor has the power to remove any individual from a committee upon written notice. (Ordinance No. 13-C-3, amended May 06, 2013)

(b) Reports. All reports of committees shall be addressed to the City Council. All standing or select committees to whom any matter may be referred shall report thereon in writing as soon as the third regular meeting of the Council after any such reference shall have been regular meeting of the Council after any such reference shall have been held. The reports shall be signed by a majority of the committee.

(c) Action to be deferred. Any report of a committee of the Council shall be deferred for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any 2 Alderman present.

(d) Data to be attached. Every committee of the Council in reporting upon any subject referred to them, shall attach to their report all pages or documents, in the possession of the committee, relative to the matter referred.

2-5-7. Standing Committee for Sanitation, Board of Health and Public Health. (a) General Duties. The standing committee for Sanitation, Board of Health and Public Health shall have the powers and perform the duties assigned to it by statute and ordinance. It shall be its duty to enforce all ordinances of the city which relate to public health, safety, and nuisances. It shall make all necessary rules and regulations for the protection of the health and safety of the inhabitants of the City of Arcola and to guard against the spread of contagious diseases, and to prevent by necessary rules and regulations the induction of diseases, contagious or otherwise, and to maintain, preserve and promote the public safety within the corporate limits of the City of Arcola.

(b) Regulations. The standing committee for Sanitation, Board of Health and Public Health is hereby authorized to make such reasonable rules and regulations as may be necessary for the prevention and spread of contagious diseases, and to quarantine premises where such diseases occur for such time as may be necessary to protect the public health.

(c) Inspections. The standing committee on Sanitation, Board of Health and Public Health is hereby authorized and directed to enter and inspect any premises within the corporate limits of the City of Arcola when in the judgment of its chairman, or of a majority of its members, it believes conditions may exist upon said premises which constitute a threat to the health, safety, comfort, or morals of the general public, or that may cause a depreciation of property values within the general area of the location of said premises.

(d) Orders, notices and penalties. Any person violating any order of the standing committee on Sanitation, Board of Health and Public Health, or refusing to obey any such order or destroying, mutilating or concealing any notice posted by or under the authority of said committee, shall be deemed to have violated this chapter and shall be fined as provided for in Section 1-13 of this Code.

2-5-8. Compensation. Each member of the City Council shall be compensated for each meeting of the City Council actually attended at the rate of \$75 per City Council meeting and \$15 for each committee meeting actually attended, excluding committee meetings held before or after a City Council meeting, provided that this rate of compensation shall not change the existing rate of compensation of a City Council member during his or her present term of office and any increase shall only take effect upon the commencement of a City Council member's next term of office.

(Ordinance No. 12-C-4 amended October 01, 2012)

## ARTICLE VI. CITY TREASURER

2-6-1. Powers and duties. (a) The City Treasurer shall keep his books and accounts in such manner as to show with entire accuracy all moneys received and disbursed for the city, stating from whom and on what account received, and to whom and on what account paid out, and in such way that the books and accounts may be readily investigated and understood. The same, together with all files and papers of his office, shall be at all times open to examination by the Mayor, or the finance, budget, inventory control, purchasing and contracts committee of the Council.

(b) Prior to the first day of September of each year, the Treasurer shall prepare and file with the City Clerk an account of all moneys received and expenditures incurred during the preceding fiscal year.

(c) The Treasurer shall report to the Council, as often as they require, a full and detailed account of all receipts and expenditures of the city, as shown by his books, up to the time of the report.

(d) The Treasurer shall attend all City Council meetings unless excused in advance by the Mayor.

(e) The treasurer shall participate in the preparation of the city's annual budget.

(f) The Treasurer, by virtue of his office shall automatically be a member of the investment committee, and shall attend all meetings of this committee.

2-6-2. Compensation. The City Treasurer shall be compensated at an annual rate of \$4,800, payable monthly, provided that this rate of compensation shall not change the existing rate of compensation of the Treasurer during his or her present term of office and any increase shall only take effect upon the commencement of the Treasurer's next term of office.

(Ordinance No. 12-C-4 amended October 01, 2012)

## ARTICLE VII. CONSULTING ENGINEER

2-7-1. Established. The office of Consulting Engineer is hereby established.

2-7-2. Appointment; term. The Mayor at the first regular meeting of the City Council on or after May 1 of each year may appoint the Consulting Engineer for a term of one year and until his successor is appointed and qualified. His appointment shall be confirmed by a majority vote of the City Council.

2-7-3. Duty to submit plans, estimates, etc. for public work. The Consulting Engineer shall, when required by the Mayor, the City Council or any committee thereof, make out and submit plans, estimates and specifications for any public work, which may be proposed or ordered by the Council.

2-7-4. Duty to supervise and examine public works; suspension of work. The Consulting Engineer shall, when required by the Mayor or City Council, superintend the construction of any public work of the city, and shall, as often as may be necessary, examine such public work under his charge, and see that the same is properly executed. If the contractor therefor shall neglect or refuse to execute such work in accordance with his contract and specifications, the Consulting Engineer may suspend the work and shall thereupon report the facts to the Mayor, who shall report the same to the Council at once for their action.

2-7-5. Duty to make surveys and profiles of streets. The Consulting Engineer shall, when required by the City Council, make a survey of the grade or boundary of any street, or alley of the city, and prepare a plat or profile thereof, and report the same to the Council. No such survey of grade or boundary shall be deemed established or valid until the plat or profile thereof shall be approved by the Council.

2-7-6. Duty to mark grades for public improvements. The Consulting Engineer shall, upon order of the Mayor, give or mark the grade of any street or alley, or any public improvement where established, at the request of any person desiring to erect any building or enclosure, or to lay any sidewalk thereon. He shall make all surveys within and for the city that he may be called upon to make.

2-7-7. Duty to use field notes of original surveys. The Consulting Engineer shall provide himself, as far as practicable, with copies of the field notes of the original surveys of the city and make his own surveys in accordance therewith; and he shall carefully note all errors or discrepancies in the original surveys or resurveys, as soon as discovered. He shall keep a systematic record of all the transactions pertaining to his office, and shall index all surveys and records.

## ARTICLE VIII. HEALTH OFFICER

2-8-1. Office created. There is hereby created the office of Health Officer, an executive officer of the city. The Health Officer shall be appointed annually on the first day of May, or as soon thereafter as may be, by the Mayor with the advised and consent of the City Council.

2-8-2. Duties. It shall be the duty of the Health Officer to advised the standing committee for Sanitation, Board of Health and Public Health in the enforcement of all ordinances containing provisions for the protection of public health and safety, to make inspections of foodstuff and of the premises used for storing or selling of provisions as may be provided by ordinance, and to perform such duties and functions as may be required by statute or ordinance.

2-8-3. Reports. The Health Officer shall make such reports to the City Council as may be required. He shall also make recommendations for rulings, orders, or ordinances respecting the public health whenever he is requested to do so, or whenever he deems it necessary or advisable.

## ARTICLE IX. MAYOR

2-9-1. Duties. The Mayor shall be the chief executive officer of the city, and shall preside over the meetings of the Council, and shall perform such duties as may be required of him by statute or ordinance. He shall have supervision over all of the officers and employees of the city, and shall have the power and authority to inspect all books and records pertaining to city affairs and kept by any officer or employee of the city at any reasonable time.

2-9-2. Appointment of officers. The Mayor shall appoint, by and with the advice and consent of the City Council, all officer of the city whose election or appointment is not otherwise provided for. Any vacancies occurring in an appointive office shall be filled in the same manner.

2-9-3. 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 appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty.

2-9-4. Mayor pro tem. During a temporary absence or disability of the Mayor, the City Council shall elect one of its number to act as Mayor pro tem, who during such absence or disability shall possess the powers of Mayor, as is provided by statute.

2-9-5. Acting Mayor. In the event of a vacancy in the office of Mayor, the Council may appoint one its members as acting Mayor to serve until the vacancy is filled at a regular or special election as provided by law.

2-9-6. 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 Council may select any other city officer to so act.

2-9-7. Mayor as local liquor control commissioner. The Mayor shall be the local liquor control commissioner for the city and shall be charged with the administration of the liquor control act and such ordinances and resolutions of the city relating to alcoholic liquor as may be enacted. The Mayor may appoint a person or persons to assist him in the exercise of the powers and the performance of his duties as local liquor control commissioner.

2-9-8. Compensation. The Mayor shall be compensated at an annual rate of \$4,200, payable monthly, provided that this rate of compensation shall not change the existing rate of compensation of the Mayor during his or her present term of office and any increase shall only take effect upon the commencement of the Mayor's next term of office.

(Ordinance No. 12-C-4 amended October 01, 2012)

## ARTICLE X. MOTOR FUEL TAX ENGINEER

2-10-1. Office created. There is hereby created the office of Motor Fuel Tax Engineer, who shall be appointed annually on the first day of May, or as soon thereafter as may be, by a majority vote of the City Council. He shall hold his office for the term of one year and until his successor is appointed and has qualified.

2-10-2. Duties. He shall advise the Council and city officials on all matters relating to the use of motor fuel tax funds which are referred to him, and shall perform such duties as are provided by law or ordinance, and in addition thereto, such other duties as from time to time may be imposed upon him by the Council or by the Mayor.

## ARTICLE XI. MUNICIPAL PURCHASING

2-11-1. Competitive bids to be obtained. Any labor, lease, goods or services to be purchased, sale of personal property, equipment or supplies, or public improvement which is not to be paid for in whole or in part by a special assessment or special taxation, where the expenses or costs thereof will exceed \$20,000 shall be constructed or purchased either:

(a) By a contract let to the lowest responsible bidder after advertising for bids in the manner prescribed herein, except that any such contract may be entered into by the proper officers without advertising for bids if authorized by a vote of two-thirds of all the Aldermen then holding office, or

(b) In the following manner, if authorized by a vote of two-thirds of all the Alderman then holding office, to wit: the proper officers or departmental head shall superintend and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon, laborers and artisans whom the municipality shall pay by the day or hour; and all material of the value of \$20,000 and upward used in the construction of the work or other public improvement, shall be purchased by contract let to the lowest responsible bidder in the manner prescribed herein.

Nothing herein contained shall apply to any contract with the federal government or any agency thereof.

2-11-2. Exceptions to competitive bid requirements. Contracts which by their nature are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for supplies, materials, parts or equipment which are available from only a single source, contracts for printing of finance committee pamphlets, comptroller's estimates, and departmental reports, contracts for the printing or engraving of bonds, water certificates, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, and contracts for the purchase of magazines, books, periodicals, and similar articles of an educational or instructional nature, and the binding of such magazine, books, periodicals, pamphlets, reports and similar articles shall not be subject to the competitive bidding requirements of this Article. The city administrator is authorized to procure from any federal, state or local governmental unit or agency thereof such materials, supplies, commodities or equipment as may be made available through the operation of any legislation heretofore or hereafter enacted without conforming to the competitive bidding requirements of this Article. Regular employment contracts in the municipal service, whether with respect to the classified service or otherwise, shall not be subject to the provisions of this Article, nor shall this Article be applicable to the granting or issuance pursuant to powers conferred by laws, ordinances or resolutions, of franchises, licenses, permits or other authorizations by the corporate authorities of the city, or by departments, offices, institutions, boards, commissions, agencies, or other instrumentalities thereof, nor to contracts or transactions, other than the sale or lease of personal property, pursuant to which the municipality is the recipient of money. The city administrator may sell or cause to be loaned with proper surety, materials common only to the municipal water distribution system, to such corporations and individuals, upon proper showing that they are able to obtain

such materials for the purpose of obtaining water from the water system, or while awaiting shipment from manufacturers or venders of such material, provided that proper charges for the sale of such material to be made to such extent as to save the city from monetary losses in such transactions.

2-11-3. Procedure in contracts over \$20,000.

(a) All proposals to award purchase orders or contracts in excess of \$20,000 shall be published once at least 10 days, excluding Sundays and legal holidays, in advance of the date announced for the receiving of bids, in a secular English language newspaper of general circulation throughout the City and shall simultaneously be posted on readily accessible bulletin boards in the office of the city clerk. Nothing herein shall be construed to prohibit the city administrator from posting additional notices or advertising in addition thereto in trade magazines, if so directed by the City Council.

(b) Advertisement for bids shall describe the character of the proposed contract, purchase or improvement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference, to detailed plans and specifications on file at the time of the publication of the first announcement. Such advertisement shall also state the date, time and place assigned for the opening of bids, and no bids shall be received at any time subsequent to the time indicated in the announcement. However, an extension of time may be granted for the opening of such bids upon publication in a secular English language newspaper of general circulation throughout the City of the date to which the bid opening has been extended. The time of the bid extension opening shall not be in less than five days after the publication thereof, Sundays and legal holidays excluded.

(c) Cash, a cashier's check, a certified check, a comptroller's certificate of moneys owed the particular vender, or a bid bond of adequate surety provided by the purchasing agent as a deposit of good faith, in a reasonable amount but not in excess of 10% of the contract or purchase amount, may be required of each bidder by the city administrator on all bids involving amounts in excess of \$20,000, and if so required, the advertisement for bids shall so specify.

(d) All sealed bids shall be publicly opened by the city administrator or by an officer of the City duly authorized in writing by the mayor to open such bids, and all such bids shall be opened to public inspection in the office of the city clerk for at least 48 hours before award is made.

(e) The award of any contract in excess of \$20,000 made by or on the behalf of the City shall be let by the city council by free and open competitive bidding after advertisement, to the lowest responsible bidder, or in the appropriate instance, to the highest responsible bidder, depending on whether the city is to expend or receive money. Every contract involving amounts in excess of \$20,000



shall be signed by the mayor or his duly designated agent, by the city treasurer and by the city administrator respectively. Each bid, with the name of the bidder, shall be entered on a record which record with the name of the successful indicated thereon, shall after award of the contract, be open to public inspection in the office of the city clerk.

(f) In determining the responsibility of any bidder, the City Council may take into account other factors in addition to financial responsibility, such as past records of transactions with the bidder, experience, adequacy of equipment, ability to complete performance within a specified time limit and other pertinent considerations.

(g) Any and all bids received in response to an advertisement may be rejected by the City Council if the bidder is not deemed responsible, or the character or quality of the services, supplies, materials, equipment or labor does not conform to the requirements or if the public interest may otherwise be served thereby.

(h) Bond with sufficient sureties, in such amount as shall be deemed adequate, not only to insure performance of contract in the time and manner prescribed in the contract, but also to save, indemnify, and keep harmless the city against all loss, damages, claims, liabilities, judgments, costs, and expenses which may in anywise accrue against the city in consequence of the granting of the contract, or which may in anywise result there from, may be required of each bidder upon contracts involving amounts in excess of \$20,000 when, in the opinion of the City Council, the public interest will be served thereby.

2-11-4. Contracts or purchases not exceeding \$20,000. The chairman of any standing committee shall certify to the City Council all requisitions or purchase orders or proposed contracts in the sum of less than \$20,000 together with all necessary attachments thereto including written itemized statements, descriptions of transaction, quantity, and all other data and information relative to the transaction, contract, purchase or lease to properly enable the Council to approve or disapprove the request. Approval by the Council of an expenditure, contract, lease or purchase shall empower the chairman of the standing committee to enter into a contract to be executed by the Mayor on behalf of the city or to make the purchase. The approval or authorization by the Council may provide such other terms, conditions, directions, restrictions as may be require by the Council.

2-11-5. Contracts exempt from purchasing regulations. The provisions of this article shall not apply to local improvement contracts, special assessments or to purchases or contracts otherwise specifically provided for the Illinois Revised Statutes.

2-11-6. Invalid purchase contracts. Any purchase or contract executed in violation of this article shall be null and void as to the city and if public funds have been expended thereupon, the amount thereof may be recovered in the name of the city in an appropriate action instituted thereof.

(Ordinance No. 13-C-7 amended November 18, 2013)

## ARTICLE XII. BUDGET OFFICER

2-12-1. Creation of office. There is hereby created the office of Budget Officer. He shall be appointed for one year.

2-12-2. Appointment. The Budget Officer shall be appointed by the Mayor with the approval of the City Council.

2-12-3. Oath and bond. Before entering upon the duties of his office, the Budget Officer shall take and subscribe to the oath as provided by statute, and shall execute and file with the City Clerk a bond in such amount and with such sureties as may be required by the City Council, conditioned upon the faithful performance of his duties.

2-12-4. Powers and duties. The Budget Officer shall have the following powers and duties:

(a) Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all municipal departments, commissions and boards.

(b) Compile an annual budget as is provided by statute.

(c) Examine all books and records which relate to moneys received and paid out by all municipal departments, commissions and boards.

(d) Obtain such additional information from the municipality, municipal departments, commissions and boards as may be useful for purposes of compiling a municipal budget, such information to be furnished by the municipality, municipal departments, commissions and boards in the form required by the Budget Officer. Any department, commission or board which refuses to make such information as is requested of it available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget for the municipality until such municipal department, commission or board shall comply in full with the request of the Budget Officer.