

CHAPTER 1 - ADMINISTRATION

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EXHIBIT 'A'

CHAPTER 1

ADMINISTRATION

ARTICLE I - GENERAL CODE PROVISIONS

DIVISION I - TITLE

1-1-1 TITLE. Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official **"Revised Code of Ordinances of the City of Newton, Illinois"**. The Revised Code of Ordinances shall be known and cited as the **"City Code"**, and it is hereby published by authority of the City Council and shall be kept up to date as provided in **Section 1-1-3** 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 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 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 forwarded to the codifiers on an annual basis and the 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 an annual basis. **(See 65 ILCS 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 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 instructions when so authorized by the City Council. The 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 this 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 upon termination of office or separation of duties.

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 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 sections]**, from which are excluded the following ordinances, which are not hereby 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; 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 Code or by virtue of the preceding section, excepting as this 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 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 the 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 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 substantially in the following form:

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF JASPER) ss. CITY CLERK'S OFFICE
CITY OF NEWTON)

I, Rosetta M. York, City Clerk of the **City of Newton, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the City of Newton, Illinois of 2023**, published by authority of the City Council were duly passed by the City Council of the **City of Newton, 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 Newton, Illinois**, this 21st day of February, 2023.

ROSETTA M. YORK
CITY CLERK
CITY OF NEWTON

(SEAL)

1-1-13 - 1-1-14 RESERVED.

DIVISION III - DEFINITIONS

1-1-15 CONSTRUCTION OF WORDS. Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

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

1-1-16 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 Newton, Illinois.

"CODE" OR "THIS CODE", shall mean the **"Revised Code of Ordinances of the City of Newton"**.

"CORPORATE AUTHORITIES" shall mean the Mayor and the City Council. (See 65 ILCS 5/1-1-2)

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

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

"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" OR "FEES" 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 **May 1st of each year and end on April 30th of the following year.** (See 65 ILCS 5/1-1-2[5])

"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.

"LAW" denotes applicable federal law, the Constitution and statutes of the State of Illinois, the ordinances of the City and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

"LEGAL HOLIDAY" shall mean the holidays as authorized and recognized by the City Council in the employee agreement.

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

"MAY" as used in this Code means permissible.

"MAYOR" as used in this Code shall mean the Mayor of this City.

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

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

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

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

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

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

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

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

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

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

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

"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.

"SHALL" as used in this Code means mandatory.

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

"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.

"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 5/1-1-2)**

1-1-17 **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.

1-1-18 - 1-1-19 **RESERVED.**

DIVISION IV - GENERAL PENALTY

1-1-20 **PENALTY.**

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense.** (Ord. No. 96-3; 02-20-96)

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

(C) 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.

(D) All municipal ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, except when a court appearance is required by the ordinance violated or except when the offense would constitute the second or more ordinance offense of the same person within **one (1) year** of that person's first ordinance offense.

(E) All attorney's fees, engineering fees, abstractor fees, witness fees and all other costs or expenses incurred by the City in prosecuting any violation of or in enforcing any provision of this Code shall be assessed against the defendant. All such fees and expenses together with any fine shall not exceed a combined total of **Seven Hundred Fifty Dollars (\$750.00)** for each violation. (See 65 ILCS 5/1-2-1 and 5/1-2-7)

1-1-21 **SERVICE BY CERTIFIED MAIL.** In all actions for violation of any municipal ordinance where the fine would not be in excess of **Seven Hundred Fifty Dollars (\$750.00)** and no jail term could be imposed, service of summons may be made by the municipal clerk by certified mail, return receipt requested, whether service is to be within or without the State. (See 65 ILCS 5/1-2-9.1)

1-1-22 **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 Code shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-23 **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.

1-1-24 **LICENSE.** When a person is convicted of a violation of any Section of this Code, any license previously issued to him by the City may be revoked by the court or by the City Council.

1-1-25 **PAYMENT OF CITY FINES, UTILITIES AND OTHER CITY CHARGES.** To ensure efficient operation of City Offices and to avoid disruption of City services, the City shall not accept coins in payment of City fines, City utilities or other City charges, except for such charges or portions of such charges which total less than **One Dollar (\$1.00)**. (**Ord. No. 16-04; 07-19-16**)

ARTICLE II - CITY OFFICIALS

DIVISION I - CITY COUNCIL

1-2-1 CITY COUNCIL. The City Council shall consist of the Mayor and **six (6)** Aldermen, **two (2)** from each of the **three (3) wards**, and the term of office shall be for **four (4) years**, and until their successors are elected and have qualified. **(See 65 ILCS 5/3.1-10-50(D) and 5/3.1-20-10)**

1-2-2 REGULAR MEETINGS. The regular stated meetings of the City Council shall be held in the City Hall Building on the **first (1st) and third (3rd) Tuesdays** in each month at **6:00 P.M.** When said meeting date falls upon a legal holiday, the meeting shall be held on the next secular day at the same hour. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings shall be given in accordance with the **Meetings of Public Agencies Act of the State of Illinois, Illinois Compiled Statutes, Ch. 5, Sections 120/1 through 120/5.** **(See 65 ILCS 5/3.1-40-25)**

1-2-3 SPECIAL MEETINGS. Special meetings of the City Council may be called by the Mayor or any **three (3)** Aldermen by giving **at least forty-eight (48) 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 station that has filed an annual request for such notice. The notice shall be provided to such news media in the same manner as said 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 5/3.1-40-25 and 5 ILCS 120/2.02 and 120/2.03)**

1-2-4 COMMITTEES. The following standing committees of the City Council are hereby established, to-wit:

- | | | |
|-----|---------------------------------|---------------------------------|
| (A) | (1) Finance | (5) Park, Cemetery & Pool |
| | (2) Water/Sewer | (6) Industrial Dev. & Buildings |
| | (3) Streets, Alleys, Electrical | (7) ESDA, Health & Sanitation |
| | (4) Police | (8) Alcohol & Tobacco |

Each of the committees shall consist of at least **four (4) members** of whom **one (1)** shall be designated by the Mayor making the appointment to act as Chairman of such committee. It shall not be necessary that each Ward of the City be represented on all committees.

- (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 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 **two (2)** Aldermen present. **(See 65 ILCS 5/3.1-40-35)**

(F) All committee meetings are subject to the Open Meetings Act requirements and minutes shall be taken. **(See 5 ILCS 120/1 and 120/2.06)**

1-2-5 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.

1-2-6 **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 5/3.1-40-20)**

EDITOR'S NOTE: When the Council has a Mayor and **six (6) Aldermen**, a quorum is **four (4)**, which may consist of the Mayor and **three (3) Aldermen**, or **four (4) Aldermen**.

1-2-7 **APPROPRIATIONS.** The Council shall pass an ordinance within the first quarter of each fiscal year, to be termed the annual appropriation ordinance. In this ordinance the Council (1) may appropriate such sums of money as are deemed necessary to defray all necessary expenses and liabilities of the City, and (2) shall specify the objects and purposes for which these appropriations are made, and the amount appropriated for each object or purpose. Except as otherwise provided, no further appropriations shall be made at any other time within the same fiscal year, unless a proposition to make each additional appropriation has been first sanctioned by a petition signed by electors of the City numbering more than **fifty percent (50%)** of the number of votes cast for the candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, by a petition signed by them, or by a majority of those voting on the question at a general state or municipal election or at a special municipal election duly called therefore.

During any fiscal year the Council may adopt a supplemental appropriation ordinance in an amount not in excess of the aggregate of any additional revenue available to the City or estimated to be received by the City subsequent to the adoption of the annual appropriation ordinance for that fiscal year. Such supplemental appropriation ordinance shall only affect revenue that was not available for appropriation when that annual appropriation ordinance was adopted, and the provisions of this Section prohibiting further appropriations without sanction by petition or election shall not be applicable to such supplemental appropriation for that fiscal year.

The Council at any time after the first half of each fiscal year by a **two-thirds (2/3)** vote of all members of such body, may make transfers within any department or other separate agency of the municipal government, of sums of money appropriated for one corporate object or purpose to another corporate object or purpose, but no appropriation for any object or purpose shall thereby be reduced below an amount sufficient to cover all obligations incurred or to be incurred against such appropriation. Nothing herein contained shall deprive the Council of the power to provide for and cause to be paid from the funds of the City any charge imposed by law without the action of the Council, the payment of which is ordered by a court of competent jurisdiction. **(See 65 ILCS 5/8-2-9) (See City Clerk) (See Section 1-3-45)**

1-2-8 - 1-2-10 **RESERVED.**

DIVISION II - RULES OF THE CITY COUNCIL

1-2-11 **RULES OF THE COUNCIL.** The following rules of order and procedure shall govern the deliberations and meetings of the City Council. **(See 65 ILCS 5/3.1-40-15)**

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

- (1) Call to order.
- (2) Pledge of Allegiance.
- (3) Roll Call.
- (4) Adopt or amend agenda.
- (5) Approval of regular meeting.
- (6) Approval of bills and accounts payable.
- (7) Public comments/communications.*
- (8) Committee reports and/or council representative reports.

- (9) Old business.
- (10) New business.
- (11) Statements by: Council members, City Attorney, City Treasurer, City Clerk, and Mayor.
- (12) Scheduling of next regular meeting and schedule committee meetings.
- (13) Executive session.
- (14) Adjournment.

*** See Section 1-2-13.**

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 member's argument or vote.

(D) **Visitors.** After the public comment period, no person other than a member of the Council shall address that body, without permission of the Council, except under the provisions of **Section 1-2-13.**

(E) **Presentation of New Business.** When a member 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 member 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.

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.** A member, 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 member 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) **Question of Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned or impugned.

(J) **Voting.** Every member who shall be present when a question is stated from the chair shall vote thereon, unless he is personally interested in the question, in which case, he shall take whatever steps are necessary to insure that his vote is not taken.

(K) **Special Order of Business.** Any matter before the City Council may be set down as a special order of business at a time certain if **two-thirds (2/3)** of the Aldermen present vote in the affirmative, but not otherwise.

(L) **Seconding of Motions Required; Written Motions.** No motion shall be put or debated in the meeting or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Council, except motions of procedure, shall be reduced to writing if required by a member, and the proposer of the motion shall be entitled to the floor.

(M) **Withdrawal of Motions.** After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the Aldermen, but it may be withdrawn at any time before decision, by consent of the Aldermen.

(N) **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.

(O) **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.

(P) **Taking and Entering the Votes - Explanations of Votes Not Permitted.** If any member required it, the "yeas" and "nays" upon any question shall be taken and entered in the journal; but the yeas and nays shall not be taken unless called for prior to any vote on the question.

When the Clerk has commenced to call the roll of the members for the taking of a vote by yeas and nays, all debate on the question before the City Council shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by the Clerk, by answering yea or nay, as the case may be.

(Q) **Announcement and Changes of Vote.** 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.

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

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

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

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

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

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

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

(T) **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.

(U) **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.

(V) **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.

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

(X) **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.

(Y) **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.

(Z) **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.

(AA) **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.

(BB) **Adoption of Robert's "Rules of Order Revised".** The rules of parliamentary practice comprised in the latest published edition of **Robert's "Rules of Order Revised"** shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Council.

(CC) **Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a vote of **two-thirds (2/3)** of the Aldermen entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of **two-thirds (2/3)** of all the Aldermen entitled by law to be elected.

(DD) **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 5/3.1-40-15)

(EE) **Disruptions Prohibited.** No person or group shall disrupt any meeting of the City Council. Any person disrupting any meeting shall be advised by the Chairman or any police officer to cease the disruption. If the person fails to cease the disruption, the person may be ejected from the meeting and any person so disrupting a meeting shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. **(Ord. No. 01-23; 09-04-01)**

1-2-12 **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 120/2.02)**

1-2-13 **ADDRESS BY NON-MEMBERS.**

(A) **Public Comment Request.** Any person not a member of the City Council may address the City Council with regard to items of proposed business under the following rules:

- (1) He or she shall rise (if not physically impaired) and state his or her name and address for the record and unless further time is granted by the Council to limit remarks to **five (5) minutes**. All remarks shall be addressed to the City Council, not to any member thereof.
- (2) No person other than the Council member recognizing the individual addressing the Council and the person having the floor shall be permitted to enter into any discussion directly or through a member of the Council without the permission of the Mayor. No questions shall be asked of an Alderman except through the Mayor. Any person making personal or impertinent remarks or who shall become disruptive addressing the City Council shall be forthwith evicted from the Council room by the Mayor.

(B) **Auxiliary Aid or Service.** The City shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with orders.

- (1) The City shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits, of a service, program, or activity of the City.
- (2) Auxiliary aids and services shall be provided in a timely manner.
- (3) Individuals shall notify the City Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required. **(See Addendum "B", Request for Public Comment or Auxiliary Aid(s) and/or Services)**

(C) The Chief of Police or his authorized designee shall be the Sergeant at Arms at the Council meetings. He or she shall carry out all orders and instructions of the Mayor for the purposes of maintaining order and decorum. The Sergeant at Arms shall remove any person violating order and decorum of the meeting. Such removal may be accompanied by further prosecution for any violation of any ordinance under this Code. **[5 ILCS 120/2.06]**

DIVISION III - ORDINANCES

1-2-14 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) **Introduced.** When a proposed ordinance is introduced, it shall be read one time by title only and referred to the proper committee unless the City Council shall otherwise specifically direct.

(C) **Vote Required-Yeas and Nays Record.** The passage of all ordinances for whatever purpose, and of any resolution or motion (1) to create any liability against a 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 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 to 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. The 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" or "consent agenda" 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 or consent agenda. The taking of such single or omnibus vote and such entries of the words "omnibus vote" or "consent agenda" 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 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 5/3.1-40-40)**

(D) **Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against the City, or (2) that provide 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 an ordinance or resolution, the Mayor shall sign it. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the City Council, with the Mayor's 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 the Mayor's signature. **(See 65 ILCS 5/3.1-40-45)**

1-2-15 RECONSIDERATION--PASSING OVER VETO. Every resolution and motion, specified in Section 1-2-14 and every ordinance, that is returned to the City Council by the Mayor shall be reconsidered by the City Council at the next regular meeting following the regular meeting at which the City Council receives the Mayor's written objection. If, after reconsideration, **two-thirds (2/3)** of all the Aldermen then holding office on the City Council 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 5/3.1-40-50)**

1-2-16 **NO VOTE TO BE RECONSIDERED AT SPECIAL MEETING.** No vote of the City Council shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting at least as many Aldermen as were present when the vote was taken. **(See 65 ILCS 5/3.1-40-55)**

1-2-17 **ORDINANCE RECORD; PRIMA FACIE EVIDENCE.** The City Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the Council. Immediately following each ordinance, the City Clerk shall make a memorandum of the date of the passage and of the publication of the ordinance. This record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and of the publication of posting of ordinances.

1-2-18 **PROOF OF ORDINANCES.** The contents of all City ordinances, the date of passage, and the date of publication or posting, where required, may be proved by the certificate of the City Clerk, under the seal of the corporation.

Whenever City ordinances are printed in book or pamphlet form, and purport to be published by authority of the Council, such book or pamphlet shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and administrative tribunals.

DIVISION IV - GENERAL PROVISIONS

1-2-19 **CORPORATE SEAL.**
 (A) The Seal of the City shall be the same as that heretofore provided and used by the City. It shall be circular in form with the words, “**City of Newton, Illinois**” in the outer circle and the word “**Seal**” and “**1887**” in the center of the seal. **(See 65 ILCS 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 5/3.1-35-90)**

1-2-20 **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 inauguration of newly elected City officials shall occur at the first regular or special meetings of the City Council in the month of May following the general municipal election in April. **(See 65 ILCS 5/3.1-10-15)**

1-2-21 **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 5/3.1-15-15)**

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

1-2-22 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) **Qualifications; Appointive Office.**

(1) No person shall be eligible for any appointive municipal office unless that person is a qualified elector of the municipality or otherwise provided by law.

(2) The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed city treasurers, or to appointed city collectors (unless the City has designated by ordinance that the City Clerk shall also hold the office of collector). **(See 65 ILCS 5/3.1-10-6)**

(C) **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. **(See 65 ILCS 5/3.1-10-30)**

(D) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which 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 1-1-20** 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 5/3.1-10-35)**

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

(F) **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.

(G) **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 City Council may provide by law. **(See 65 ILCS 5/3.1-10-40)**

(H) **Conservators of Peace.**

(1) After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, Aldermen and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power:

- (a) to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,
- (b) to commit arrested persons for examination,
- (c) if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and
- (d) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.

(2) All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the municipality. For

that purpose, policemen have all the common law and statutory powers of sheriffs. (See 65 ILCS 5/3.1-15-25)

(l) **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."

The Mayor and the Clerk shall have the power to administer this oath or affirmation upon all lawful occasions.

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

(See "Administration of Oaths", Section 1-3-23)

1-2-23 RESIGNATION OF APPOINTED OFFICIALS. Any officer of the City may resign from office. If such officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a City officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified. (See 65 ILCS 5/3.1-10-50)

1-2-24 QUALIFICATIONS; ELECTIVE OFFICE.

(A) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least one (1) year next preceding the election. (65 ILCS 3.1-10-5(A))

(B) A person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony. (65 ILCS 3.1-10-5 and 3.1-10-5(B))

(C) A person is not eligible for the office of Alderman of a ward unless that person has resided in the ward that the person seeks to represent, and a person is not eligible for the office of trustee of a district unless that person has resided in the municipality, at least one (1) year next preceding the election or appointment, except as provided in 65 ILCS 5/3.1-20-25 and 5/5-2-2. (See 730 ILCS 5/5-5-5(b))

(D) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person's spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (A). (People v. Hofer, 363 Ill. App 3d 719 (5th District))

1-2-25 BONDS OF CITY OFFICERS.

(A) **Amount.** Bonds of City officers required under Illinois Compiled Statutes, Chapter 65, Section 5/3.1-10-30 shall be executed in the following penal sums:

(1)	Mayor	\$50,000.00
(2)	City Treasurer	\$50,000.00
(3)	City Clerk	\$50,000.00
(4)	City Collector	\$50,000.00
(5)	Police Chief	\$50,000.00

(B) **Premium Payment by City.** The surety bonds required by law shall be paid by the City. (See 5 ILCS 270/1)

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

1-2-26 **LIABILITY INSURANCE.**

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

(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 the 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 shall not indemnify, but shall 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, shall not indemnify or cause to defend the 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 shall 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 shall 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 shall indemnify the municipal officer, elected official or employee the personal deductible limits of his personal policy. **(See 745 ILCS 10/2-201 et seq.)**

1-2-27 **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.

(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.
 - (j) Whether the bidder has furnished a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.
- (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-Five Thousand Dollars (\$25,000.00)** 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.

(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 5/2-2-12, 8-9-1 and 8-9-2)

1-2-28 INTERESTS IN CONTRACTS PROHIBITED.

(A) A municipal officer shall not be financially interested directly in the officer's own name or indirectly in the name of any other person, association, trust, or corporation, in any contract, work, or business of the municipality or in the sale of any article whenever the expense, price, or consideration of the contract, work, business, or sale is paid either from the treasury or by an assessment levied by statute or ordinance. A municipal officer shall not be interested, directly or indirectly, in the purchase of any property that (1) belongs to the municipality, (2) is sold for taxes or assessments, or (3) is sold by virtue of legal process at the suit of the municipality. For the purposes of this Section only, however, a municipal officer shall not be deemed interested if the officer is an employee of a company or owns or holds an interest of **one percent (1%)** or less in the municipal officer's individual name in a company, or both, that company is involved in the transaction of business with the municipality, and that company's stock is traded on a nationally recognized securities market, provided the interested member (i) publicly discloses the fact that he or she is an employee or holds an interest of **one percent (1%)** or less in a company before deliberation of the proposed award of the contract; (ii) refrains from evaluating, recommending, approving, deliberating, or otherwise participating in the negotiation, approval, or both, of the contract, work, or business; (iii) abstains from voting on the award of the contract though he or she shall be considered present for purposes of establishing a quorum; and (iv) the contract is approved by a majority vote of those members currently holding office.

A municipal officer shall not be deemed interested if the officer owns or holds an interest of **one percent (1%)** or less, not in the officer's individual name but through a mutual fund or exchange-traded fund, in a company, that company is involved in the transaction of business with the municipality, and that company's stock is traded on a nationally recognized securities market.

This Section does not prohibit any person serving on a municipal advisory panel or commission or nongoverning board or commission from having an interest in a contract, work, or business of the municipality unless the municipal officer's duties include evaluating, recommending, approving, or voting to recommend or approve the contract, work, or business.

(B) **Exceptions.** Any elected or appointed member of the governing body may, however, provide materials, merchandise, property, services, or labor, subject to the following provisions under either (1) or (2):

- (1) If:
 - (a) the contract is with a person, firm, partnership, association in which the interested member of the governing body of the municipality member has less than a **seven and one-half percent (7 ½%)** share in the ownership;
 - (b) the interested member publicly discloses the nature and extent of the interest before or during deliberations concerning the proposed award of the contract;
 - (c) the interested member abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum);
 - (d) the contract is approved by a majority vote of those members presently holding office;
 - (e) the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds **One Thousand Five Hundred Dollars (\$1,500.00)** (but the contract may be awarded without bidding if the amount is less

- than **One Thousand Five Hundred Dollars (\$1,500.00)**;
and
- (f) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **Twenty-Five Thousand Dollars (\$25,000.00)**.
- (2) If:
- (a) the award of the contract is approved by a majority vote of the governing body of the municipality (provided that the interested member shall abstain from voting);
 - (b) the amount of the contract does not exceed **Two Thousand Dollars (\$2,000.00)**;
 - (c) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **Four Thousand Dollars (\$4,000.00)**;
 - (d) the interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and
 - (e) the interested member abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum).
- (3) In addition to the above exemptions, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:
- (a) the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member of the governing body of the municipality, advisory panel, or commission has less than a **one percent (1%)** share in the ownership; and
 - (b) the award of the contract is approved by a majority vote of the governing body of the municipality provided that any such interested member shall abstain from voting; and
 - (c) such interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and
 - (d) such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(C) A contract for the procurement of public utility services by a municipality with a public utility company is not barred by this Section by one or more members of the governing body being an officer or employee of the public utility company, or holding an ownership interest in no more than **seven and one-half percent (7 ½%)** in the public utility company, or holding an ownership interest of any size if the municipality has a population of less than **seven thousand five hundred (7,500)** and the public utility's rates are approved by the Illinois Commerce Commission. An elected or appointed member of the governing body or a non-governmenting board or commission having an interest described in this subsection (D) does not have a prohibited interest under this Section.

(D) An officer who violates this Section is guilty of a Class 4 felony. In addition, any officer held by an officer so convicted shall become vacant and shall be so declared as part of the judgment of the court.

(E) Nothing contained in this Section, including the restrictions set forth in subsections (B) and (C), shall preclude a contract of deposit of moneys, loans, or other financial services by a municipality with a local bank or local savings and loan association, regardless of whether a member

of the governing body of the municipality is interested in the bank or savings and loan association as an officer or employee or as a holder of less than **seven and one-half percent (7 ½%)** of the total ownership interest. A member holding an interest described in this subsection (E) in a contract does not hold a prohibited interest for purposes of this Act. The interested member of the governing body must publicly state the nature and extent of the interest during deliberations concerning the proposed award of the contract but shall not participate in any further deliberations concerning the proposed award. The interested member shall not vote on the proposed award. A member abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of the contract shall require approval by a majority vote of those members presently holding office. Consideration and award of a contract in which a member is interested may only be made at a regularly scheduled public meeting of the governing body of the municipality.

(F) Notwithstanding any other provision of this Section or any other law to the contrary, until January 1, 1994, a member of the city council of a municipality with a population under **twenty thousand (20,000)** may purchase real estate from the municipality, at a price of not less than **one hundred percent (100%)** of the value of the real estate as determined by a written MAI certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser, if the purchase is approved by a unanimous vote of the city council members then holding office (except for the member desiring to purchase the real estate, who shall not vote on the question).

(G) Under either of the following circumstances, a municipal officer may hold a position on the board of a not-for-profit corporation that is interested in a contract, work, or business of the municipality:

- (1) If the municipal officer is appointed by the governing body of the municipality to represent the interests of the municipality on a not-for-profit corporation's board, then the municipal officer may actively vote on matters involving either that board or the municipality, at any time, so long as the membership on the not-for-profit board is not a paid position, except that the municipal officer may be reimbursed by the not-for-profit board for expenses incurred as the result of membership on the not-for-profit board.
- (2) If the municipal officer is not appointed to the governing body of a not-for-profit corporation by the governing body of the municipality, then the municipal officer may continue to serve; however, the municipal officer shall abstain from voting on any proposition before the municipal governing body directly involving the not-for-profit corporation and, for those matters, shall not be counted as present for the purposes of a quorum of the municipal governing body.

(See 65 ILCS 5/3.1-55-10)

1-2-29 SALARIES REGULATION.

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

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

(See 65 ILCS 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 at least **one hundred eighty (180) days** before the beginning of the terms of the officers whose compensation is to be filed.

1-2-30 CLAIMS.

(A) **Presentation.** 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.

1-2-31 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.** (See 65 ILCS 5/1-1-2)

1-2-31 EXPENSES - REIMBURSEMENT.

(A) **Definitions.**

- (1) **"Entertainment"** includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
- (2) **"Public Business"** means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the City to carry out the responsibilities of City business.
- (3) **"Travel"** means any expenditure directly incident to official travel by employees and officers of the City or by wards or charges of the City involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

(B) The City shall only reimburse the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

- (1) Non-police employees refer to Article 22 of the Collective Bargaining Agreement with the City;
- (2) Police department employees refer to Article 23 of the Collective Bargaining Agreement with the City;
- (3) Management refers to **Section 12-1-20** in the Employee Code, and
- (4) Elected officials – actual out-of-pocket expenses.

Alcohol is specifically excluded from reimbursement.

(C) No reimbursement of travel, meal or lodging expenses incurred by a City employee or officer shall be authorized unless the "Travel, Meal and Lodging Expense Reimbursement Request Form," attached hereto and made a part hereof, has been submitted and approved. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act (**5 ILCS 140/1 et seq.**).

(D) Expenses for travel, meals and lodging of: (1) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under paragraph (B) of this Section or (2) any member of the corporate authorities of the City may only be approved by roll call vote at an open meeting of the corporate authorities of the City. However, in the event of an emergency or other extraordinary circumstances, the corporate authorities may approve more than the maximum allowable expenses set forth above.

(E) The City shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this Section.

(Ord. No. 16-12; 12-20-16)

1-2-33 OFFICIAL RECORDS. All official records, including the Corporate Seal, shall be kept in the City Hall.

1-2-34 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.

(A) **Eligible employees** shall mean all employees of the City, eligible under the Federal Act, except persons elected to office by popular election and also the City Treasurer and City Attorney.

(B) **Withholdings** from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations and shall be paid quarterly.

1-2-35 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 provisions 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.

1-2-36 CERTIFICATES OF INSURANCE. All contractors and sub-contractors doing work for the City of Newton shall first provide a Certificate of Insurance indicating insurance coverage as follows:

(A) Commercial general liability (CGL) or GL - **One Million Dollars (\$1,000,000.00)** per occurrence and **Two Million Dollars (\$2,000,000.00)** aggregate.

(B) Excess and/or umbrella in such amounts as the City may require. Such policy shall provide that the periods for the underlying insurance coverage and the excess policies are the same.

(C) Products and completed operations - **Two Million Dollars (\$2,000,000.00)** aggregate. Such coverage must remain in force for at least **five (5) years** following completion of the project.

(D) Worker's compensation - in the amounts of the statutory limits required under the Illinois Worker's Compensation Act.

(E) Employer's liability - **One Million Dollars (\$1,000,000.00)** per occurrence, **One Million Dollars (\$1,000,000.00)** each accident, **One Million Dollars (\$1,000,000.00)** each disease, **One Million Dollars (\$1,000,000.00)** disease.

(F) Liquor liability - **One Million Dollars (\$1,000,000.00)** per occurrence, **Two Million Dollars (\$2,000,000.00)** aggregate.

(G) Auto liability - **One Million Dollars (\$1,000,000.00)** per occurrence combined single limit or **One Million Dollars (\$1,000,000.00)** bodily injury per occurrence, **Five Hundred Thousand Dollars (\$500,000.00)** property damage with the coverage being primary.

(H) Builder's risk - Equal to **one hundred percent (100%)** of the completed value of the work the contractor is performing.

(I) Professional liability (errors and omissions) - **One Million Dollars (\$1,000,000.00)** per occurrence, **One Million Dollars (\$1,000,000.00)** aggregate. Such coverage should be on an "occurrence" basis and not on a "claims made" basis. If the insurance is on a "claim made" basis, then the policy should be in the form of a "project policy" with a **five (5) year** extended reporting period endorsement. Coverage shall be retroactive to the earlier of the date of the contract or agreement or the commencement of the services in relation to the project. The policy shall cover personal injury, bodily injury and property damage.

(J) All insurance coverages above described shall name the City of Newton, Illinois as an additional insured and a copy of the additional insured endorsement shall be supplied to the City. All of the coverage amounts above specified may be modified by the City Council of the City of Newton as it may determine on a case-by-case basis depending on, among other things, the size of the project and exposure.

(Ord. No. 10-23; 12-07-10)

1-2-37 **MAIL.** All mail, except as hereinafter provided, addressed to the City in any manner and bearing the address of 108 North Van Buren Street, Newton, Illinois or any other address maintained by the City shall be opened by the City Clerk and appropriately disbursed by the City Clerk to the appropriate Department of the City. All mail addressed to the Mayor, City Treasurer, City Clerk, Chief of Police, Police Department, Library, City Engineer, City Attorney or to an Alderman shall be turned over to that person without the same being opened. Additionally, any mail addressed specifically to an Employee of the City and marked personal, privileged, or confidential shall be turned over to that person without it being opened. City Employees shall take all steps necessary to prevent personal mail from being sent to any address maintained by the City. **(Ord. No. 02-07; 06-04-02)**

1-2-38 **CONTROL OF PROPERTY OWNED BY CITY OUTSIDE OF CITY LIMITS.** All property which (1) is owned by the City, and (2) lies outside the corporate limits of the City, and (3) does not lie within the corporate limits of any other municipality, shall be subject to the ordinances, control, and jurisdiction of the City in all respects the same as the property owned by the City which lies within the corporate limits thereof. **(See 65 ILCS 5/7-4-2)**

1-2-39 **TERRITORIAL JURISDICTION ESTABLISHED.** The City Council shall have jurisdiction in and over all places within **one-half (1/2) mile** of the corporate limits for the purpose of enforcing health and quarantine ordinances and regulations. **(See 65 ILCS 5/7-4-1)**

1-2-40 - 1-2-46 **RESERVED.**

DIVISION V - VACANCIES

1-2-47 **VACANCY BY RESIGNATION.** A resignation is not effective unless it is in writing, signed by the person holding the elective office, and notarized.

(A) **Unconditional Resignation.** An unconditional resignation by a person holding the elective office may specify a future date, not later than **sixty (60) days** after the date the resignation is received by the officer authorized to fill the vacancy, at which time it becomes operative, but the resignation may not be withdrawn after it is received by the officer authorized to fill the vacancy. The effective date of a resignation that does not specify a future date at which it becomes operative is the date the resignation is received by the officer authorized to fill the vacancy. The effective date of a resignation that has a specified future effective date is that specified future date or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(B) **Conditional Resignation.** A resignation that does not become effective unless a specified event occurs can be withdrawn at any time prior to the occurrence of the specified event, but if not withdrawn, the effective date of the resignation is the date of the occurrence of the specified event or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(C) **Vacancy Upon the Effective Date.** For the purpose of determining the time period that would require an election to fill the vacancy by resignation or the commencement of the **sixty (60) day** time period referred to in **Section 1-2-41**, the resignation of an elected officer is deemed to have created a vacancy as of the effective date of the resignation.

(D) **Duty of the Clerk.** If a resignation is delivered to the Clerk of the Municipality, the Clerk shall forward a certified copy of the written resignation to the official who is authorized to fill the vacancy within **seven (7) business days** after receipt of the resignation.

1-2-48 **VACANCY BY DEATH OR DISABILITY.** A vacancy occurs in an office by reason of the death of the incumbent. The date of the death may be established by the date shown on the death certificate. A vacancy occurs in an office by permanent physical or mental disability rendering the person incapable of performing the duties of the office. The corporate authorities have the authority to make the determination whether an officer is incapable of performing the duties of the office because of a permanent physical or mental disability. A finding of mental disability shall not be made prior to the appointment by a court of a guardian ad litem for the officer or until a duly licensed doctor certifies, in writing, that the officer is mentally impaired to the extent that the officer is unable to effectively perform the duties of the office. If the corporate authorities find that an officer is incapable of performing the duties of the office due to permanent physical or mental disability, that person is removed from the office and the vacancy of the office occurs on the date of the determination.

1-2-49 **VACANCY BY OTHER CAUSES.**

(A) **Abandonment and Other Causes.** A vacancy occurs in an office by reason of abandonment of office; removal from office; or failure to qualify; or more than temporary removal of residence from the Municipality, as the case may be. The corporate authorities have the authority to determine whether a vacancy under this Section has occurred. If the corporate authorities determine that a vacancy exists, the office is deemed vacant as of the date of that determination for all purposes including the calculation under **Sections 1-2-51 or 1-2-52.**

(B) **Guilty of a Criminal Offense.** An admission of guilt of a criminal offense that upon conviction would disqualify the municipal officer from holding the office, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, constitutes a resignation from that office, effective on the date the plea agreement is made. For purposes of this Section, a conviction for an offense that disqualifies a municipal officer from holding that office occurs on the date of the return of a guilty verdict or, in the case of a trial by the court, on the entry of a finding of guilt.

(C) **Election Declared Void.** A vacancy occurs on the date of the decision of a competent tribunal declaring the election of the officer void.

1-2-50 **ELECTION OF AN ACTING MAYOR.** The election of an acting Mayor pursuant to **Section 1-2-52 or 1-2-53** does not create a vacancy in the original office of the person on the City Council, unless the person resigns from the original office following election as acting Mayor. If the person resigns from the original office following election as acting Mayor, then the original office must be filled pursuant to the terms of this Section and the acting Mayor shall exercise the powers of the Mayor and shall vote and have veto power in the manner provided by law for a Mayor. If the person does not resign from the original office following election as acting Mayor, then the acting Mayor shall exercise the powers of the Mayor but shall be entitled to vote only in the manner provided for as the holder of the original office and shall not have the power to veto. If the person does not resign from the original office following election as acting Mayor, and if that person's original term of office has not expired when a Mayor is elected and has qualified for office, the acting Mayor shall return to the original office for the remainder of the term thereof.

1-2-51 **APPOINTMENT TO FILL ALDERMAN VACANCY.** An appointment by the Mayor or acting Mayor, as the case may be, of a qualified person as described in **Section 1-2-22** of this Code to fill a vacancy in the office of Alderman must be made within **sixty (60) days** after the vacancy occurs. Once the appointment of the qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment fails to receive the advice and consent of the corporate authorities within **thirty (30) days**, the Mayor or acting Mayor shall appoint and forward to the corporate authorities a second qualified person as described in **Section 1-2-22**. Once the appointment of the second qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment of the second qualified person also fails to receive the advice and consent of

the corporate authorities, then the Mayor or acting Mayor, without the advice and consent of the corporate authorities, may make a temporary appointment from those persons who were appointed but whose appointments failed to receive the advice and consent of the corporate authorities. The person receiving the temporary appointment shall serve until an appointment has received the advice and consent and the appointee has qualified or until a person has been elected and has qualified, whichever first occurs.

1-2-52 **ELECTION TO FILL VACANCIES IN MUNICIPAL OFFICES WITH FOUR (4) YEAR TERMS.** If a vacancy occurs in an elective municipal office with a **four (4) year term** 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, then the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the City Clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. If a vacancy occurs with less than **twenty-eight (28) months** remaining in the unexpired portion of the term or less than **one hundred thirty (130) days** before the general municipal election, then:

(A) **Mayor.** If the vacancy is in the office of Mayor, the vacancy must be filled by the corporate authorities electing one of their members as acting Mayor. Except as set forth in **Section 1-2-50**, the acting Mayor shall perform the duties and possess all the rights and powers of the Mayor until a Mayor is elected at the next general municipal election and has qualified.

(B) **Alderman.** If the vacancy is in the office of Alderman, the vacancy must be filled by the Mayor or acting Mayor, as the case may be, in accordance with **Section 1-2-51**.

(C) **Other Elective Office.** If the vacancy is in any elective municipal office other than Mayor or Alderman, the Mayor or acting Mayor, as the case may be, must appoint a qualified person to hold the office until the office is filled by election, subject to the advice and consent of the City Council, as the case may be.

1-2-53 **VACANCIES DUE TO ELECTION BEING DECLARED VOID.** In cases of vacancies arising by reason of an election being declared void pursuant to **Section 1-2-49(C)**, persons holding elective office prior thereto shall hold office until their successors are elected and qualified or appointed and confirmed by advice and consent, as the case may be.

1-2-54 **OWING A DEBT TO THE MUNICIPALITY.** A vacancy occurs if a municipal official fails to pay a debt to a municipality in which the official has been elected or appointed to an elected position subject to the provisions of **65 ILCS 5/3.1-10-59(C)(4)**.

(See 65 ILCS 5/3.1-10-50)

1-2-55 - 1-2-60 **RESERVED.**

ARTICLE III – OFFICIALS

DIVISION I - MAYOR

1-3-1 **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 5/3.1-15-5 and 5/3.1-15-10)**

1-3-2 **MAYOR PRO-TEM; TEMPORARY CHAIRMAN.**

(A) If the Mayor is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as Mayor pro tem. The Mayor pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor but shall not be entitled to vote both as Mayor pro tem and as an alderman.

(B) In the absence of the Mayor, or Mayor pro tem, the corporate authorities may elect one of their members to act as a temporary chairman. The temporary chairman shall have only the powers of a presiding officer and a right to vote only in the capacity as alderman on any ordinance, resolution, or motion. **(See 65 ILCS 5/3.1-35-35)**

1-3-3 **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the City and shall see to the enforcement of all laws and ordinances. The Mayor shall preside over the meetings of the City Council and perform such duties as may be required of him by statute or law. The Mayor shall have supervision over all of the executive officers and City employees; provided, however, his or her control is subject to the power of the City Council to prescribe the duties of various officers and employees. The Mayor 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 5/3.1-15-10 and 3.1-35-20)**

1-3-4 **MAYOR'S SIGNATURE.** The Mayor shall sign all City warrants, commissions, permits and licenses granted by authority of the City Council, except as otherwise provided, and such other acts and deeds as law or ordinance may require his or her official signature.

The Mayor may designate another to affix his or her 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 whom he or she 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 the signature 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 5/3.1-35-30)**

1-3-5 **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 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 City Council in such appointment, the Mayor may designate some suitable person to discharge the functions of such office. (See 50 ILCS 105/2)

1-3-6 SUPERVISE CONDUCT OF OFFICERS; REMOVAL OF OFFICERS. 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. Except where otherwise provided by statute, the Mayor may remove any officer appointed by the Mayor under this Code, on any written charge, whenever the Mayor is of the opinion that the interests of the municipality demand removal. The Mayor shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than **five (5) days** nor more than **ten (10) days** after the removal. If the Mayor fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities by a **two-thirds (2/3) vote** of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas and nays, which shall be entered upon the journal of the corporate authorities. Upon restoration, the officer 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 5/3.1-35-10)

1-3-7 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.

1-3-8 FORMAL OCCASIONS. The Mayor shall act for and on behalf of the City on formal occasions and receptions, but in the absence or inability to attend any such function, the Mayor may select any other City officer to so act.

1-3-9 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 or she believes expedient. (See 65 ILCS 5/3.1-35-5)

1-3-10 BUSINESS LICENSE COMMISSIONER. The Mayor is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law, with the advice and consent of the City Council.

1-3-11 LOCAL LIQUOR COMMISSIONER. The Mayor is hereby designated as Local Liquor Commissioner with all the powers to license and/or revoke any City liquor license according to State and City laws. (See 235 ILCS 5/4-2)

1-3-12 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.

1-3-13 **DECIDING VOTE - MAYOR.** The Mayor shall preside at all meetings of the City Council. The Mayor 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 or her capacity as Alderman, but he or she shall not be entitled to another vote in his or her capacity as Acting Mayor or Mayor Pro-tem. **(See 65 ILCS 5/3.1-40-30)**

1-3-14 - 1-3-15 **RESERVED.**

DIVISION II - CITY CLERK

1-3-16 **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. Effective **May 1, 2017** the City Clerk's position shall be a part-time elected position for which the City Clerk shall receive **Eighteen Thousand Dollars (\$18,000.00)** per year. For said salary the City Clerk shall work a minimum of **sixteen (16) hours** per week in the City Clerk's office and shall attend the bi-monthly City Council meetings. The City Clerk shall also perform such other duties as the City may request from time to time. Additional compensation for hours worked in excess of **sixteen (16) hours** per week shall be at the City's established rate for part-time employees. **(65 ILCS 5/3.1-15-5 and 5/3.1-30-5) (Ord. No. 16-09; 10-18-16)**

1-3-17 **VACANCY.** Whenever there is a vacancy in the office of City Clerk, the office shall be filled by the Mayor with the advice and consent of the City Council for the remainder of the term. **(See Division V of this Chapter)**

1-3-18 **PUBLICATION OF ORDINANCES; COUNCIL MINUTES AND 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, he shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance. **(See 65 ILCS Sec. 5/3.1-35-90)**

(C) **Bonds.** He shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. **(See 65 ILCS Sec. 5/3.1-35-110)**

(D) **Issue Notices.** He 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)**

(E) **Hours.** The office of the City Clerk shall be open Monday through Friday of each week excepting holidays in such facilities as the City Council may provide, and the hours that such office shall be open shall be prominently displayed on or at the entrance thereto. Notwithstanding the foregoing, the hours of the City Clerk shall be as determined as set forth in **Section 1-2-56. (Ord. No. 11-14; 10-04-11)**

1-3-19 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 5/3.1-35-90)**

1-3-20 PREPARATION OF DOCUMENTS, COMMISSIONS AND 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.

1-3-21 CITY 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 provide such plates, tags, or stickers to the person paying the license fee.

1-3-22 REPORT OF LICENSES. The Clerk shall report to the City Council at its regular meeting 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.

1-3-23 ADMINISTRATION OF OATHS. The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(See 65 ILCS 5/3.1-15-20)**

1-3-24 OUTSTANDING BONDS. The Clerk shall keep in his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued, or purchased, or paid, or cancelled, the book or books shall show that fact; and in the annual report, the 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 5/3.1-35-110)**

1-3-25 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 monies received and warrants drawn during the preceding month, showing therein from or what sources and on what account monies were received, and for what purposes and on what account the warrants were drawn or paid.

1-3-26 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 3.1-10-35)**

1-3-27 **PAYMENTS.** The Clerk shall prepare monthly an itemized list of all monies received and shall deliver a copy of the same to the City Treasurer and shall also pay over to the Treasurer all monies received in the office and take a receipt therefor.

1-3-28 **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.

1-3-29 **OTHER DUTIES.** In addition to the foregoing duties, the City Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the City Council, including but not limited to the following:

- (A) The City Clerk is the local election official and must fulfill the obligation required by the State Board of Elections.
- (B) Follow the requirements set forth in the Illinois Municipal handbook pertaining to City Clerks including the keeping of the corporate seal and all papers of the municipality.
- (C) Scan the Newton Press-Mentor and keep copies of notices published by the City.
- (D) Accept building permits applications and process until the permit has been issued and collect fees for building permits.
- (E) Collect franchise fees due to the City.
- (F) Collect City's share of animal control facility receipts.
- (G) Oversee updating of City Code Book on an annual basis.
- (H) Maintain a separate ledger containing minutes of all closed sessions by the City Council.
- (I) Perform duties as needed for zoning officials.
- (J) Maintain ledger and map showing ownership of burial plots in Riverside cemetery and update cemetery book as needed.
- (K) Issue new burial licenses.
- (L) Collect for grave openings.
- (M) Bill for and send renewal applications to all liquor license holders annually.
- (N) Bill for and collect the fees due for C.O.A.D. licensees annually.
- (O) Issue and collect for raffle licenses.
- (P) Issue and collect for solicitor's and peddler's permits.
- (Q) Perform miscellaneous other duties including answering the phone and radio, distributing JULIE reports, fax and copy reports, maintain contact with electric, water and sewer departments, participate in problem resolution with customers utilities, in general perform the duties that are necessary for the professional, efficient operation of the office including performing the duties of the Collector and/or Billing/Collecting Clerk during their absence. **(See 65 ILCS 5/3.1-10-40)**
(Ord. No. 11-14; 10-04-11)

1-3-30 **DEPUTY CLERK.** The City Clerk, when authorized by the City Council, may appoint the Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the seal of the City thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the City Clerk followed with the word, "**By**" and the Deputy Clerk's name and the words, "**Deputy Clerk**".

The powers and duties herein described shall be executed by such Deputy Clerk only in the absence of the City Clerk from the City Clerk's office in the City Hall, and only when either written direction has been given by the City Clerk to such Deputy Clerk to exercise such power or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such functions.
(See 65 ILCS 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)

1-3-31 - 1-3-32 **RESERVED.**

DIVISION III - CITY TREASURER

1-3-33 **DEPARTMENT 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 Finance Committee and the Treasurer.

1-3-34 **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.

1-3-35 **TREASURER APPOINTED; VACANCY.** Effective **May 1, 2013**, the City Treasurer shall be appointed by the Mayor annually and shall serve until his successor is appointed 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 City Treasurer position is a full-time position and will be required to work a minimum of **forty (40) hours** per week. The City Treasurer attendance at City Council meetings or other evening meeting of the City are not to be considered part of the **forty (40) hour** work week. **(Ord. No. 11-15; 10-04-11)**

1-3-36 **MONEY; WARRANTS; ACCOUNTS; PAYMENTS.** The City Treasurer shall receive all monies 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. The Treasurer 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 shall file copies of such receipts with the Clerk with the monthly reports. **(See 65 ILCS 5/3.1-35-40)**

1-3-37 **WARRANT REGISTER.** The Treasurer shall keep a register of all warrants redeemed and paid, 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 the Treasurer shall cancel all warrants as soon as they are redeemed. **(See 65 ILCS 5/3.1-35-40 and 5/3.1-35-45)**

1-3-38 **PERSONAL USE OF FUNDS.** The City Treasurer shall keep all money belonging to the Municipality and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the Municipality's monies or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject the Treasurer to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. **(See 65 ILCS 5/3.1-35-55)**

1-3-39 **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 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. **(See 65 ILCS 5/3.1-10-45)**

1-3-40 **SPECIAL ASSESSMENTS.** The Treasurer shall collect all payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto. **(See 65 ILCS 5/3.1-35-85)**

1-3-41 **BOOKKEEPING.** The Treasurer shall keep the books and accounts in such a manner as to show with accuracy, all monies 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 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 or the Finance Committee of the Council. **(See 65 ILCS 5/3.1-35-40)**

1-3-42 **STATEMENTS.** The Treasurer shall report to the corporate authorities at the regular 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 5/3.1-35-45)**

1-3-43 **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 monies received by the Treasurer at the time required by law or by ordinances of the City.

1-3-44 **YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file annually with the City Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this section. The Treasurer shall show the following in such account:

(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 **Two Thousand Five Hundred Dollars (\$2,500.00)**, 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 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 or more newspapers published in the City. **(See 65 ILCS 5/3.1-35-65)**

[NOTE: The Treasurer shall file a copy of the report with the County Treasurer as provided in 5/3.1-35-70 of Chapter 65 of the Illinois Compiled Statutes.]

1-3-45 **SUBMIT APPROPRIATION TO CITY COUNCIL.** The Treasurer shall on or before the **fifteenth (15th) day of May in each year**, and before the annual appropriations to be made by the City Council, submit to the City Council a report of the estimates as nearly as may be of monies necessary to defray the expenses of the corporation during the current fiscal year. The Treasurer shall, in said report, 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, the Treasurer 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 Treasurer 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, 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. **(See 65 ILCS 5/3.1-35-115) (See Section 1-2-7)**

1-3-46 DEPOSIT OF FUNDS.

(A) **Designation by Council.** The Treasurer is hereby required to keep all funds and monies in his or her custody belonging to the City in such places of deposit as have been designated by **Section 1-3-46(F)**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and monies of the City in the custody of the Treasurer. When a bank or savings and loan association 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 by furnishing the statements of resources and liabilities as required by this Section. When a new depository is designated, the corporate authorities shall notify the sureties of the Village Treasurer of that fact in writing at least **five (5) days** before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money that the Treasurer deposits in a designated bank or savings and loan association while the funds and money are so deposited.

(B) The City Treasurer may require any bank or savings and loan association to deposit with the Treasurer securities or mortgages that have a market value at least equal to the amount of the funds or monies of the municipality deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation.

(C) The City Treasurer may enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of municipal funds.

(D) Each City Treasurer may:

- (1) combine monies from more than one fund of a single municipality for the purpose of investing those funds and;
- (2) join with other municipal treasurers or municipalities for the purpose of investing the municipal funds of which the Treasurer has custody.

Joint investments shall be made only in investments authorized by law for the investment of municipal funds. When monies of more than one fund of a single municipality or monies of more than one municipality are combined for investment purposes, the monies combined for that purpose shall be accounted for separately in all respects and the earnings from investments shall be separately and individually computed, recorded, and credited to the fund or municipality, as the case may be, for which the investment was acquired.

(E) No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established by Section 6 of the Public Funds Investment Act. **(See 65 ILCS 5/3.1-35-50 and 30 ILCS Sec. 235/6)**

(F) The following bank(s) are herewith designated as places of deposit where the Treasurer of the City is required to keep all funds and monies in his custody belonging to this municipality:

- (1) People's State Bank, Newton, IL
- (2) First Financial Bank
- (3) First National Bank of Dietrich, Newton, IL
- (4) First National Bank in Olney, Newton Branch

1-3-47 DEPUTY CITY TREASURER.

(A) **Creation of Office.** There is hereby created the office of Deputy City Treasurer. The Deputy City Treasurer shall be appointed by the Mayor by and with the advice and consent of the City Council.

(B) **Bond.** The Deputy City Treasurer shall give bond in such sum as may be required by the City Council, but the bond shall not be less than that required of the City Treasurer, with sureties to be approved by the City Council. The bond shall be conditioned upon the faithful performance of the Deputy City Treasurer of his duties of office, and to indemnify the City for any loss due to any neglect of duty or wrongful act on the part of the said Deputy City Treasurer.

(C) **Duties.** The Deputy City Treasurer shall perform such duties as may be prescribed by Statute or Ordinance, or as directed by the City Treasurer. He or she shall assist the City Treasurer in all duties as prescribed for the City Treasurer by the Statutes of the State of Illinois and the Ordinances of the City of Newton.

(D) **Term of Office.** The Deputy City Treasurer shall be appointed for a term which shall be established from time to time by the City Council. **(See Sec. 3.11 1/2 former City Code)**

1-3-48 OTHER DUTIES. In addition to the foregoing duties, the City Treasurer shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the City Council, including but not limited to the following:

(A) **Money, Warrants, Accounts and Payments.**

- (1) Receive daily collection of utility payments from the City Collector.
- (2) County cash and verify the individual checks with the list of payments provided by the City Collector and take these collections to the bank and deposit in clearing account.
- (3) Make sure money from clearing account is transferred to appropriate accounts (water, sewer, electric, Imperial Acres Sewer Loan account, utility deposit refund account, etc.) as needed and put into money market accounts.
- (4) Open mail, deposit State and County income checks in appropriate accounts and keep records in computer as to amount and account number.
- (5) Transfer appropriate amounts into correct money market accounts.
- (6) Maintain list of all Certificates of Deposit by departments, interest received, date interest received and renew at the best interest rate when matured.
- (7) Keep record of collateralization of funds in all banks.
- (8) Invest all funds in appropriate accounts to provide the best return on investments as provided by the City of Newton's investment policy.
- (9) Look at all bills received from vendors. Match the signed and department coded receipts to bills for accuracy. Make a list of bills by department, put vendor codes on each bill so the bills can be put into computer and checks printed. Type the accounts payable list for Council approval and a permanent copy for the City Clerk's official record.
- (10) Coordinate efforts for successful completion of City grants, monitor receipts and disbursements.

(B) **Monthly Reports, Quarterly Reports, Yearly Reports, Budget, Appropriations, Tax Levy, Audits.**

- (1) Review monthly financial reports, before presenting to the council for accuracy.
- (2) Review monthly Utility tax report before submitting to state.
- (3) Review Quarterly payroll reports 941, IL-941, State Unemployment Review Yearly W-2's, and State sales tax report.
- (4) Prepare the yearly budget for General Administration. Work with Finance Chairman and department heads in preparing yearly budgets for all other departments and enter into computer.
- (5) Prepare a copy of all budgets for Council approval before the last scheduled council meeting in April.

- (6) work with the Finance Chairman to prepare the yearly appropriations for all departments and enter into computer.
- (7) Prepare the yearly appropriations ordinance for approval before the last Council meeting in July, including all legal requirements. Provide the County Clerk a copy of the Council approved Appropriations Ordinance.
- (8) Determine amounts needed for yearly tax levy. Prepare yearly tax levy for Council approval and record at County Clerk before the last Tuesday in December.
- (9) Answer any questions the council or department heads might have concerning the Budget or coding of expenses.
- (10) Have available all records requested by the auditors and answer any questions auditors might have. After auditors have prepared a draft copy of the Audit check over the copy for accuracy, or discrepancies in adjustments. Make comments on major changes in audit report.
- (11) Assist in preparing annual treasurer report, meet all legal requirements and publish in paper within **six (6) months** after the end of a fiscal year.
- (12) **Motor Fuel Tax Audit.** Have all records available to MFT auditor.
- (13) Make sure all MFT expenses are within the MFT program.

(C) **Work with City Clerk and Collector.** Work with City Clerk and Collector monthly to assure that all transactions are recorded properly; closely monitoring the billing and receipts of city utilities.

(D) **Insurance.**

- (1) Maintain insurance policy periods for property/liability, worker's compensation, Inland Marine, and notary bonds.
- (2) Prepare renewal notices and bid quotes.
- (3) Update new equipment or vehicles purchased with insurance company.
- (4) Provide yearly estimated Payroll expense for work comp. Report accidents to work comp, work with work comp adjuster on work comp claims.
- (5) Work with Clerk to make sure we have Certificate of Insurance on Contractors.

(E) **IMRF Agent.**

- (1) The City Treasurer is the authorized Agent for the Illinois Municipal Retirement Fund.
- (2) Register new employees, discuss with employees their IMRF benefits, answer any questions, and complete required paperwork for benefits.

(F) **Meetings.**

- (1) Attend scheduled Council meetings and attend scheduled committee meetings.
- (2) Attend Illinois Municipal Treasurer's Association meetings and seminars, Clerk/Treasurers area meetings, State Treasurer symposiums, IMRF meeting and training sessions.

(G) **Other Duties.**

(1) **Health Insurance.**

- (a) Administer the City of Newton Health Plan. Work with employees regarding problems with claims.
- (b) Work with Risk Management and third-party administrators on Policy changes to safeguard insurance plan and comply with Health Portability Act.
- (c) Work with Third Party Administrators to enroll new employees and remove employees when they leave their employment with the City.
- (d) Send required COBRA letter to employees leaving the city employment.

- (e) Monitor explanation of benefits received by employees to insure proper payments are made to provider. Make sure employee's claims that have reached reinsurance status are properly reimbursed back to insurance account, Monitor Med-Trak claims. Attend any insurance meetings required for efficient operation of City health insurance plan.
- (2) **TIF.** Administer City of Newton TIF Fund. Work closely with Economic Development Director to ensure that Agreements are properly signed, and proper verification of expenses and payments are received by the City before reimbursement is made. Monitor income and expense closely and send a report to Economic Development Director on status of funds. File TIF report after fiscal year-end audit is received from auditors.
- (3) **FOIA Officer.**
 - (a) Registered at Illinois Attorney General Office and have online training.
 - (b) Receive request for documents submitted to the City pertaining to the Treasurer Office, ensure a timely response by the City.

(Ord. No. 11-15; 10-04-11)

1-3-49 - 1-3-50 **RESERVED.**

DIVISION IV - JUDICIARY

1-3-51 **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 a 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 reasonable fees for services rendered when, in his or her 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 5/3.1-30-5)

1-3-52 **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 or her 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.** The Attorney shall, when required, advise the City Council or any officer in all matters of law in which the interests of the corporation are involved, and shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required by the Mayor, the City Council, or any committee thereof.

(C) **Judgments.** The Attorney shall direct executions to be issued upon all judgments recovered in favor of the City and shall direct their prompt service. The Attorney 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.** The Attorney shall institute and prosecute an action in every case of violation of a City ordinance when instructed to do so by the Mayor or the City Council.

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

(F) **Collection of Taxes.** The Attorney 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 advisory for the Utilities Systems, for the Plan Commission, for the Zoning Board of Appeals and for all other boards and commissions hereafter established by the City Council. The Attorney shall perform all legal services as may be required for those boards and commissions.

1-3-53 PROSECUTOR'S FEE.

(A) For each complaint that is prosecuted on behalf of the City to enforce the provisions of general ordinances of the City and also to enforce provisions of State Statutes, statutes affecting the affairs of the City, there shall be added as costs to be assessed against the defendant in each case the sum of **Twenty-Five Dollars (\$25.00)** to be known as the **"City Prosecutor's Fee"**.

(B) Upon said defendant being found guilty of the charges as set up in the complaint that is filed on behalf of the City in any of the two above named situations, it shall be the duty of the Court before whom such matter is heard to assess a City Prosecutor's Fee in the sum of **Twenty-Five Dollars (\$25.00)**, which shall be paid directly to the Prosecutor by the Clerk of the Circuit Court, and that the fine or penalty as assessed by the Court for the violation of the complaint shall be paid to the City Clerk.

1-3-54 - 1-3-55 RESERVED.

DIVISION V - CITY COLLECTOR

1-3-56 GENERAL. The City Collector shall be a full-time administrative position. This position is appointed by the Mayor with the advice and consent of the City Council and reports to the Mayor and City Council and is subject to change, discipline or termination by the Mayor and City Council. Any person filling this position should have a good working knowledge of computers and the programs necessary to complete the billing and collection of the City utilities bills and other utility funds. The person filling this position shall also have a high school diploma or equivalent, the ability to work well with co-workers and the public, good working knowledge of computers and the programs necessary, background in business, accounting, and record keeping with a minimum of **four (4) years'** experience and must be able to be bonded. Additionally, the person filling this position shall have good written and verbal communication skills in dealing with the public and experience with GIS mapping or willingness to learn.

A City Collector's salary shall be the Department Head's salary as set forth in **Section 12-1-37** or as established by the City Council. The salary for this position shall be paid by the City's Electric utility fund. The City Collector shall be responsible for the billing of and the collection of all City utility bills and other utility funds. The City Collector shall preserve all warrants returned to the City Collector and the City Collector shall keep books and accounts in the manner that the City Council may prescribe. All of the City Collector's warrants, books and vouchers and all papers pertaining to the City Collector's office, may be examined at any time by the Mayor or any member or committee of the Council. Weekly and more often if required by the Council, the City Collector shall pay over to the City Treasurer all money collected by the City Collector from all utility funds whatsoever, taking the City Treasurer's receipt, therefore. All moneys collected by the City Collector shall be deposited into a clearing account at an approved local bank by the City Treasurer.

The position of Deputy City Collector shall report to the City Collector.
(Ord. No. 18-01; 03-06-18)

1-3-57 **REPORT; ANNUAL STATEMENT.** The City Collector shall make a monthly written report to the Council or to any other officer designated by the Council, of all utility funds collected by the City Collector, the account whereon collected, or of any other official matter. Between the **fifteenth (15th)** and the **thirtieth (30th)** of May of each year, the City Collector shall file a statement of (1) all utility funds collected by the City Collector during the year, (2) the particular warrant, special assessment, or account on which collected, (3) the balance of money uncollected on all warrants in the City Collector's possession, and (4) the balance remaining uncollected at the time of return on all warrants which the City Collector returned to the City Collector's office during the preceding fiscal year. The City Treasurer shall publish the statement at least once, within **six (6) months**, in **one (1)** or more newspapers published in, or with a general circulation in the City. **(Ord. No. 18-01; 03-06-18)**

1-3-58 **DETENTION OF PUBLIC MONEY.** The City Collector is prohibited from keeping the City's money in the City Collector's possession, or in the possession of any other person beyond the time prescribed for its payment to the City Treasurer. Any violation of this provision shall subject the City Collector to immediate removal from office. **(Ord. No. 18-01; 03-06-18)**

1-3-59 **OTHER DUTIES.** In addition to the foregoing duties, the City Collector shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the City Council, including but not limited to the following:

(A)

Responsibilities.

- (1) Enforce the city ordinances concerning the billing and collection of city utility charges and deposit requirements.
- (2) Supervise Department employees to ensure the accurate, timely billing, collecting and reporting of city utility charges. Monitor hours worked by Department employees, schedule vacation and benefit hours off and sign timesheets.
- (3) Monitor daily activities of the Billing/Collections Department including maintaining files concerning billing of utilities and collecting of payments and maintaining a working computer accounting system with a back-up tape stored in a fire-proof box in the City's vault.
- (4) Maintain office equipment.
- (5) Perform credit checks for new customers in the absence of the Billing Clerk.
- (6) Report and have available any information requested by the City Council related to city utility billing and receipts.
- (7) Accept and process utility payments in the office and from each bank on an as-needed basis.
- (8) Prepare and mail material sale bills for all departments.
- (9) Receive and process income from tapping fees, material sales, deposits, reconnect fees and bulk water sales.
- (10) Generate a monthly non-payment shut-off list and work with the electric and water departments for disconnection and reconnection of utilities.
- (11) Calculate a budget amount for customers requesting a monthly-average billing.
- (12) Review customer accounts and perform computer functions as needed: posting payments, balancing accounts, etc.
- (13) Transfer all funds received to the Treasurer's office with proper documentation as required by the City Ordinance.
- (14) Generate monthly reports for the Treasurer's office to maintain accurate information between the offices.
- (15) Correspond with the State's Attorney concerning returned checks.
- (16) Send a list of delinquent accounts to the collection agency as needed.
- (17) File a lien on property for utility charges as needed.

- (18) Maintain the cash register and petty cash account.
- (19) Compute ACH transactions monthly via the internet.
- (20) Process payments made with credit cards.
- (21) Calculate the PCA multiplier and amount received each month.
- (22) Maintain an invoice report, PCA report, deposit report, monies collected and accounts receivable report and shut-off report each month.
- (23) Maintain records of bulk water sold.
- (24) Communicate with ERBA and other charities concerning customer accounts. Calculate and post ERBA payments to customers' accounts and maintain credit availability information.
- (25) Correspond with customers and/or landlords as needed concerning returned checks, ERBA or charity payments, utility shut-off or turn-on due to non-payment, non-payment of final bills, deposit requirements, budget accounts, automatic withdrawal (ACH) customers, etc.
- (26) Generate mass mailings to ACH and budget customers as needed.
- (27) Sign checks requiring **three (3) signatures** as requested by the City Treasurer.

(B)

Other Duties.

- (1) Assist Finance Committee Chairman and City Treasurer in preparing the yearly budget for the Department.
- (2) Approve bills for the department.
- (3) Collect money from Parks Department Head received in the park vending machines.
- (4) Maintain emergency management information from the County, available on a disc or a printed copy.
- (5) Update and maintain the City's web page.
- (6) Fulfill the duties of a FOIA officer including registering with the Illinois Attorney General's office and taking online training.
- (7) Fulfill the duties of a Notary Public.
- (8) Complete questionnaires related to City business.
- (9) Send and receive correspondence as needed for the Mayor and City Council.
- (10) Temporarily perform duties of the City Clerk in the Clerk's absence.
- (11) Update and distribute information for the GIS mapping.
- (12) Maintain the emergency alert system.
- (13) Maintain various files related to this office.
- (14) Coordinate efforts for the successful completion of housing or any other grants. This may include city-wide surveys, local interviews of customers, mass mailings, etc.
- (15) Act as ERBA Vendor: Receiving low-income energy assistance funds from ERBA to pay on customers' accounts.
- (16) Process mail coming into this Department.
- (17) Perform other duties including answering the phone and radio, distributing JULIE reports, faxing and copying reports, maintaining contact with the electric, water and sewer departments, problem resolution with customers' utilities and performing other duties as needed for the professional, efficient operation of the City's office.

(Ord. No. 19-09; 07-16-19)

1-3-60 **DEPUTY CITY COLLECTOR.** There is hereby created the office of Deputy City Collector. The Deputy City Collector shall be appointed by the Mayor by and with the advice and consent of the City Council. Any person filling this position must have a high school diploma or equivalent, good working knowledge of computers and programs necessary to complete the billing and collection of the City utilities and other office related matters, good working background in business, accounting and

record keeping with a minimum of **four (4) years'** experience, experience with GIS mapping or willingness to learn, professional written and verbal communication skills, the ability to work well with co-workers and the public in a cooperative, diplomatic and professional manner, and must be able to be bonded.

(A)

Responsibilities.

- (1) Temporarily perform duties of the City Collector or City Clerk in their absence.
- (2) Accept and process utility income including utility payments, tapping fees, deposits, reconnect fees, bulk water sales and material sale payments for the water, wastewater and electric departments.
- (3) Fulfill obligation of utility non-payment disconnections and reconnections as required by City ordinance.
- (4) Maintain utility counts for customers for budget billing, ACH, ERBA and charity assistance.
- (5) Transfer all funds to the Treasurer's office with proper documentation as required by the City Ordinance.
- (6) Generate monthly reports for the Treasurer's office to maintain accurate information between the offices.
- (7) Correspond with the State's Attorney, collection agency and file liens on property as needed.
- (8) Maintain the cash register and petty cash account.
- (9) Coordinate efforts for the successful completion of housing or any other grants. This may include city-wide surveys, local interviews of customers, mass mailings, etc.
- (10) Process mail coming into the office.
- (11) Make courtesy phone calls to businesses when an emergency water or electric interruption is necessary.
- (12) Provide information to Image Squared Marketing.
- (13) Perform secretarial duties for the Mayor and City Council as needed.
- (14) May be appointed Deputy City Clerk and be obligated to perform the City Clerk's duties in the Clerk's absence.
- (15) May be appointed FOIA Officer.

(B)

Other Duties. Perform other duties including but not limited to answering the phone and radio, distributing JULIE reports, faxing and copying reports, maintaining contact with the electric, water and sewer departments, problem resolution with customers and the public, and performing other duties as needed for the professional, efficient operation of the City's office.

(Ord. No. 18-01; 03-06-18)

1-3-61

RESERVED.

DIVISION VI - CITY ENGINEER

1-3-62

APPOINTMENT. With the advice and consent of the City Council, the Mayor 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.

1-3-63

DUTIES - SALARY. The City Engineer shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the City Council. The Engineer shall also examine all public works under his or her charge and see that the plans, estimates

and specifications for the same are properly executed. The Engineer shall receive reasonable compensation for his services and the same will be provided for in the annual appropriation ordinance on an estimated basis. (See 65 ILCS Sec. 5/3.1-30-5)

1-3-64 **RESERVED.**

DIVISION VII – CITY DEPARTMENTS

1-3-65 **DEPARTMENTS CREATED.** The business and affairs of the City shall be conducted by the following City departments:

- (A) Electric Department;
- (B) Police Department;
- (C) Street and Alley Department;
- (D) Parks, Cemetery, and Pool Department;
- (E) Wastewater Department;
- (F) Water Department;
- (G) Billing/Collections Department.

(Ord. No. 11-12; 10-04-11)

1-3-66 **DEPARTMENT HEADS.** The Superintendent or individual in charge of each of the departments shall be responsible for the operation of the respective department as provided in this Code.

1-3-67 **APPOINTMENT.** The Mayor, with the advice and consent of the City Council, shall, with the exception of the Police Department, appoint a superintendent or individual who shall be responsible for the operation of the respective department, provided that all such appointees shall be regular employees engaged in the performance of their work. (See Section 1-3-5)

1-3-68 **EMPLOYEES OF DEPARTMENTS.** The City Council shall designate the number of employees in each department and define the duties and period of employment of each. The heads of the various departments, with the advice and consent of the City Council, shall procure such employees for the operation of the various departments and shall have authority to remove any employee. However, such removal may be rescinded by the City Council and the removed employee reinstated by the affirmative vote of the majority of the City Council.

1-3-69 **RESERVED.**

DIVISION VIII – ECONOMIC DEVELOPMENT COORDINATOR

1-3-70 **CREATION OF OFFICE.** There is hereby created the office of Economic Development Coordinator. The Economic Development Coordinator shall be appointed by the Mayor with the advice and consent of the City Council.

1-3-71 **QUALIFICATIONS.** The Economic Development Coordinator shall have basic technology skills, including familiarity with Microsoft Office Suite, have experience in business, sales, marketing, or related fields and preferably possess a bachelor's degree.

1-3-72 **JOB DESCRIPTIONS.** The position of Economic Development Coordinator shall be a full-time position with general responsibilities including coordinating and implementing projects and programs that support commercial, office and industrial development; business attraction; business retention; development of public facilities and infrastructure; small business development initiatives and other economic development in the City and the County.

1-3-73 **DUTIES.** The Economic Development Coordinator shall perform the following essential function and duties:

- (A) Attend local, regional and national economic development meetings;
- (B) Proactively net and develop relations with key job providers;
- (C) Promote the City and County economic strengths and advantages to potential business in order to create and retain job opportunities;
- (D) Administrator and process Tax Increments Financing (TIF), Enterprise Zone, and other incentive applications and projects;
- (E) Research and apply for public and private grants and other incentives;
- (F) Schedule, organize and conduct meetings with community stakeholders;
- (G) Effectively collaborate with the City, Jasper County, Jasper County Chamber of Commerce, Unit #1 School District, JEDI, and area businesses in order to identify needs and opportunities in our local economy.

1-3-74 **SALARY.** The Economic Development Coordinator shall be appointed full time position. The Economic Development Coordinator salary shall be subject to negotiation and shall be evidenced by separate agreement between the City and the Economic Development Coordinator.

(Ord. No. 18-12; 08-07-18)

ARTICLE IV – OFFICIAL SALARIES

1-4-1 SALARIES OF CITY OFFICIALS. Effective **May 1, 2021** the following salaries are hereby established for elected City Officials:

(A) **Mayor.** The Mayor shall receive **Sixteen Thousand Dollars (\$16,000.00)** per year.

(B) **Alderman.** Each Alderman shall receive **Eight Thousand Dollars (\$8,000.00)** per year, payable quarterly.

(C) **Clerk.** The City Clerk shall be a part-time elected position for which the City Clerk shall receive **Eighteen Thousand Dollars (\$18,000.00)** per year. For said salary, the City Clerk shall work a minimum of **sixteen (16) hours** per week in the City Clerk's office and shall attend the bi-monthly City Council meetings. The City Clerk shall also perform such other duties as the City may request from time to time. Additional compensation for hours worked in excess of **sixteen (16) hours** per week shall be at the City's established rate for part-time employees.

(D) **Treasurer.** The City Treasurer shall be an appointed full-time position. The City Treasurer salary will be subject to negotiation and shall be evidenced by separate agreement between the City and the City Treasurer.

(E) **Zoning Board Chairman.** The Zoning Board Chairman shall receive **Three Thousand Dollars (\$3,000.00)** per year, payable quarterly.

(F) **Zoning Board Member.** Each Zoning Board Member shall receive **Seventy-Five Dollars (\$75.00)** per meeting attended, each quarter.

(Ord. No. 20-14; 10-20-20)

(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 the beginning of the terms of the officers whose compensation is to be filed.

The ordinance fixing compensation for members of the corporate authorities shall specify whether those members are to be compensated (i) at an annual rate or, (ii) for each meeting of the corporate authorities actually attended if public notice of the meeting was given.]

ARTICLE V - WARDS

1-5-1 **WARDS ESTABLISHED.** The City of Newton is hereby districted into **three** (3) wards, the boundaries being as follows:

(A) **Ward One.** Beginning at the center point of the intersection of Van Buren Street and Decatur Street, thence South along the center line of Van Buren Street to the center line of Russel Street, thence East along the center line of Russel Street to the center line of Van Buren Street, thence South along the center line of Van Buren Street to the Corporate limits of the City of Newton, thence East along said Corporate limits, thence North along said Corporate limits to the South Right-of-Way Line of Illinois Route 130, thence Southeasterly along said South Right-of-Way line and Corporate limits, thence Northeasterly to the North Right-of-Way line of Illinois Route 130, thence North along said Corporate limits, thence East along said Corporate limits, thence North along said Corporate limits, thence West along said Corporate limits, thence North along said Corporate limits, thence East along said Corporate limits to the centerline of Ochs Avenue, thence North along the centerline of Ochs Avenue to the Westerly Right-of-Way of the Indiana Railroad, thence Southeasterly along said Westerly Right-of-Way and said Corporate limits, thence West along said Corporate limits to the centerline of Ochs Avenue, thence South along the centerline of Ochs Avenue, thence East along said Corporate limits to the Southeast Corner of the City of Newton, thence North along said Corporate limits, thence West along said Corporate limits to the Easterly Right-of-Way of the Indiana Railroad, thence Northwesterly along said Easterly Right-of-Way to the centerline of Ochs Avenue, thence North along said centerline of Ochs Avenue, thence West along said Corporate limits to said Easterly Right-of-Way of the Indiana Railroad, thence Northwesterly along said Easterly Right-of-Way and said Corporate limits, thence West along said Corporate limits, thence North along said Corporate limits to the centerline of Wilson Street, thence East along the centerline of Wilson Street to said Corporate limits, thence North along said Corporate limits to the Westerly Right-of-Way of the Indiana Railroad, thence Southeasterly along said Westerly Right-of-Way and said Corporate limits, thence East along said Corporate limits, thence North along said Corporate limits, thence East along said Corporate limits to the centerline of Ochs Avenue, thence North along the centerline of Ochs Avenue to the centerline of Wilson Street, thence North along the centerline of Scott Street, thence East along said Corporate limits, thence North along said Corporate limits, thence East along said Corporate limits, thence North along said Corporate limits, thence East along said Corporate limits, thence North along said Corporate limits to the centerline of Hillcrest Drive, thence East along the centerline of Hillcrest Drive to said Corporate limits, thence North along said Corporate limits, thence West along said Corporate limits to the centerline of Scott Street, thence North along the centerline of Scott Street to the centerline of the Indiana Railroad, thence in a Northeasterly direction 1665.55 feet to the Quarter Section Line, thence North along said Corporate limits, thence East along said Corporate limits, thence North along said Corporate limits to the Northeast Corner of the City of Newton, thence in a Westerly direction along the Corporate limits and the south bank of the Embarras River to a point where the northerly extension of the centerline of Van Buren Street intersects the south bank of the Embarras River, thence South along the centerline of Van Buren Street to the point of beginning.

(B) **Ward Two.** Beginning at the center point of the intersection of Decatur Street and Van Buren Street, thence West along the centerline of Decatur Street to the centerline of Stanley Street, thence South along the centerline of Stanley Street to the centerline of Fairground Street, thence West along the centerline of Fairground Street to the centerline of Hutton Drive, thence West along the centerline of Cloverdale Road to the Corporate limits of the City of Newton, thence North along the Corporate limits to the North Right-of-Way Line of the Indiana Railroad, thence West along said North Right-of-Way to the West Line of Illinois Drive and said Corporate limits, thence North along the West Line of Illinois Drive and said Corporate limits to the North Right-of-Way Line of Illinois Route 33, thence East along the North Right-of-Way of Illinois Route 33 to the centerline of Township Road 1000 East, thence North along the Centerline of Township Road 1000E to the Corporate limits of the City of Newton, thence East along said Corporate limits to the Northeast Corner of the Brookside Addition, thence South along the East Line of the Brookside Addition to the North Right-of-Way of Illinois Route 33, thence East along the North Right-of-Way of Illinois Route 33 to the Corporate limits, thence North 630 feet along said Corporate limits, thence East 414.71 feet along said Corporate limits, thence South 530 feet along

said Corporate limits, thence West 162 feet along said Corporate limits, thence South 100 feet along said Corporate limits to the North Right-of-Way of Illinois Route 33, thence East 371 feet along the North Right-of-Way of Illinois Route 33, thence North 992 feet along said Corporate limits, thence East 987.5 feet to the West Line of Acklin Acres Subdivision in the City of Newton, thence North along the West line of Acklin Acres Subdivision to the Northwest Corner of the City of Newton, thence East along said Corporate limits to the Southeast Corner of Section 35, T7N, R9E, 3rd P.M., thence North along the East line of said Section 35 to said Corporate limits, thence West along said Corporate limits, thence North along said Corporate limits, thence East along said Corporate limits, thence South along said Corporate limits, thence East along said Corporate limits, thence North along said Corporate limits, thence East along said Corporate limits to the Northeast Corner of the St. Thomas Cemetery, thence in an Easterly direction along said Corporate limits along the South Bank of the Embarras River to a point where the Northerly extension of the centerline of Van Buren Street intersects the South Bank of the Embarras River, thence South to the Point of Beginning.

(C) **Ward Three.** Beginning at the center point of the intersection of Van Buren Street and Decatur Street, thence South along the centerline of Van Buren Street to the centerline of Russel Street, thence West along the centerline of Russel Street to the centerline of Jackson Street, thence North along the centerline of Jackson Street to the Corporate limits of the City of Newton, thence West along said Corporate limits, thence South along said Corporate limits, thence West along said Corporate limits, thence South along said Corporate limits, thence West along said Corporate limits, thence North along said Corporate limits, thence West along said Corporate limits, thence North along said Corporate limits, thence West along said Corporate limits to the centerline of Liberty Avenue, thence North along the centerline of Liberty Avenue to said Corporate limits, thence East along said Corporate limits, thence North along said Corporate limits, thence West along said Corporate limits, thence North along said Corporate limits to the centerline of Foster Street, thence West along the centerline of Foster Street to the centerline of Hutton Drive, thence North along the centerline of Hutton Drive to said Corporate limits, thence West along said Corporate limits, thence North along said Corporate limits to the centerline of Cloverdale Road, thence East along the centerline of Cloverdale Road to the centerline of Hutton Drive, thence East along the centerline of Fairground Street to the centerline of Stanley Street, thence North along the centerline of Stanley Street to the centerline of Decatur Street, thence East along the centerline of Decatur Street to Point of Beginning.

Made a part hereof and incorporated herein by reference to a plat of the City of Newton on file in the office of the City Clerk, with Wards One, Ward Two and Ward Three outlined as described herein.

(Ord. No. 14-12; 07-15-14)

ARTICLE VI – MEETING PROCEDURES

DIVISION I – RECORDING CLOSED MEETINGS

1-6-1 RECORDING CLOSED SESSIONS. The City shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the City or any subsidiary “public body” as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. **(See 5 ILCS 120/2)**

1-6-2 RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS. The City Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the City Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the City Council. Each subsidiary public body of the City shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the City Clerk with a copy of such recording. The City Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the City and all subsidiary public bodies of the City.

1-6-3 CLOSED SESSION MINUTES. In addition to the recordings of the closed and executive session as addressed in this Division, the City will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

1-6-4 PROCEDURE FOR RECORDING. At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

1-6-5 BACK-UP EQUIPMENT/PROCEDURE FOR EQUIPMENT MALFUNCTION. The City shall maintain sufficient tapes, batteries and equipment for the City to comply with this Division. The City Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

1-6-6 PROCEDURE FOR REVIEW OF CLOSED SESSION MINUTES AND RECORDINGS. At one meeting at least every **six (6) months**, the agenda shall include the item: “Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released.” Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the City find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the “need for confidentiality still exists” as to those minutes. Minutes of closed sessions shall be kept indefinitely.

1-6-7 **MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES.** The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the City Council. Members of the corporate authorities may listen to the closed session recordings in the presence of the City Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the City Council.

1-6-8 **PROCEDURE FOR DESTRUCTION OF RECORDINGS.** The City Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

- (A) The corporate authorities of the City have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
- (B) More than **eighteen (18) months** have elapsed since the date of the closed session;
- (C) There is no court order requiring the preservation of such recording; and
- (D) The corporate authorities of the City have not passed a motion requiring the preservation of the verbatim recording of that meeting.

1-6-9 - 1-6-10 **RESERVED.**

DIVISION II – REMOTE MEETING PARTICIPATION

1-6-11 **STATUTORY AUTHORITY FOR PARTICIPATION.** Pursuant to Public Act 94-1058 which amends the Open Meetings Act in **5 ILCS 120/7**, this municipality does hereby establish a policy that permits members of the corporate body to attend meetings by means other than physical presence.

1-6-12 **DEFINITION OF MEETING.** The term “meeting” shall mean “any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business” or such other definition as shall be contained within the state statutes.

1-6-13 **AMENDMENT OF PREVIOUS TERMS.** The definition of “meeting” set forth in **Section 1-6-12** shall supersede and replace any other definition used in any previous or existing ordinance.

1-6-14 **REMOTE PARTICIPATION POLICY.** The City hereby adopts the Remote Participation Policy, as outlined in Addendum “A” and in Addendum “D”, that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video, or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws.

ARTICLE VII - MANAGEMENT ASSOCIATION

1-7-1 **PARTICIPATION.** The City Council does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the Mayor and Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership on an annual basis and each year thereafter unless this ordinance is repealed.

1-7-2 **CONTRIBUTION.** Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of its annual renewal based on the needs of the Association and the loss experience of the Member, which sum shall constitute the cost of the Member's contribution for membership in the Association.

(Ord. No. 17-10; 12-05-17)

ADDENDUM "A"

GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY

(A) **Policy Statement.** It is the policy of the City that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meetings of that Covered Group from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Prerequisites.** A member of the Covered Group of the City shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets that following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance;

- (1) the member must notify the recording secretary or clerk of the Covered Body at least **twenty-four (24) hours** before the meeting unless advance notice is impractical;
- (2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the City; or (3) the member cannot attend because of a family or other emergency; and
- (3) a quorum of the Covered Body must be physically present.

(C) **Voting Procedure.** After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(D) **Quorum and Vote Required.** A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.

(E) **Minutes.** The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that meeting of the members and is allowed to participate. The meeting minutes of the City shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

ADDENDUM "B"

NOTICE OF REQUEST FOR PLACEMENT UPON CITY COUNCIL AGENDA (NOT REQUIRED)

I, _____ (name), do hereby request placement upon the agenda of the City Council's regularly scheduled meeting on _____ (date) to address the Council with regards to:

(short explanation of proposed business)

Dated this _____ (day) of _____ (month), _____ (year).

Sincerely,

APPLICANT

Printed Name

Address

Telephone Number

Please keep in mind that pursuant to Section 1-2-13 that establishes rules governing the address of the City Council, all remarks must be kept to a maximum of five minutes, shall be addressed to the City Council, and shall not be disruptive to the business of the Council. The Mayor is empowered to remove individuals from any meeting should they fail to adhere to the rules regarding address of the Council.

REQUEST FOR AUXILIARY AID(S) AND/OR SERVICE(S)

NAME OF APPLICANT: _____

NAME OF COMPANION: _____

ADDRESS: _____

TELEPHONE: _____ CELL NO.: _____

DATE OF NEEDED AUXILIARY AID OR SERVICE: _____

SPECIFY AUXILIARY AID(S) AND/OR SERVICES REQUIRED: _____

DATE: _____

SIGNED: _____

ADDENDUM "C"

TRAVEL, MEAL, AND LODGING EXPENSE REIMBURSEMENT REQUEST FORM

Before an expense for travel, meals, or lodging may be approved under the Municipal Code, the following minimum documentation must first be submitted, in writing, to the corporate authorities of this Municipality:

1. The name of the individual who received or is requesting the travel, meal, or lodging expense and the individual's job title or office.

Name of the Employee or Officer

Job Title/Office

2. The date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended. Please attach supporting documentation describing the nature of the official business event or program.

Name of Event or Program

Date(s) of Event or Program

Location of Event or Program

Purpose of Event or Program

3. An estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred. Please attach either (a) a document explaining the basis for your estimate if expenses have not yet been incurred or (b) receipts if the expenses have already been incurred.

You may also provide such other documentation as would assist the corporate authorities in considering your request for reimbursement. In the discretion of the corporate authorities, additional documentation relevant to the request for reimbursement may be required prior to action by the corporate authorities with respect to the reimbursement request.

Employee/Officer Signature

Date

ADDENDUM "D"

GOVERNMENTAL UNIT
 REMOTE ATTENDANCE POLICY
 DURING A DISASTER DECLARATION

(A) **Policy Statement.** It is the policy of the Village that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meetings of that Covered Group from a remote location via telephone, video or internet connection during a disaster declaration, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Conditions.** An open or closed meeting subject to the Open Meetings Act may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the following conditions are met:

- (1) the Governor of the State of Illinois or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the Village is covered by the disaster area;
- (2) the Mayor determines that an in-person meeting or a meeting conducted under this policy is not practical or prudent because of the disaster;
- (3) all members of the body participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony;
- (4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the Village must make alternative arrangements and provide notice pursuant to the policy of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link;
- (5) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the disaster, including the issued disaster declaration; and
- (6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(C) **Notice.** Except in the event of a bona fide emergency, **forty-eight (48) hours'** notice shall be given of a meeting to be held pursuant to this policy. Notice shall be given to all members of the Covered Group, shall be posted on the website of the Village, and shall also be provided to any news media who has requested notice of meetings pursuant to subsection (a) of Section 2.02 of the Open Meetings Act. If the Village declares a bona fide emergency:

- (1) Notice shall be given pursuant to subsection (a) of Section 2.02 of the Open Meetings Act, and the presiding officer shall state the nature of the emergency at the beginning of the meeting;
- (2) The Village must comply with the verbatim recording requirements set forth in Section 2.06 of the Open Meetings Act.

(D) **Quorum.** Each member of the body participating in a meeting by audio or video conference for a meeting held pursuant to this policy is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(E) **Record.** A Covered Group holding open meetings under this policy must also keep a verbatim record of all its meetings in the form of an audio or video recording. Verbatim records made under this paragraph shall be made available to the public under, and are otherwise subject to, the provisions of Section 2.06 of the Open Meetings Act.

(F) **Costs.** The Village shall bear all costs associated with compliance with this policy.

