

ARTICLE 1 CITY OFFICIALS

SECTION 1.1

(a) The elective officers of the City of Mt. Vernon shall be a Mayor, four (4) Councilmen, a City Clerk, and a City Treasurer. At the general election for City officers to be held in January 1969 and every four (4) years thereafter, there shall be elected a Mayor, City Clerk, City Treasurer, and two (2) Councilmen. At the general election held in 1967 and every two (2) years thereafter, two (2) Councilmen shall be elected.

(b) The appointive officers of the City shall be the Director of Finance, City Attorney, City Engineer, Building Inspector, Electrical Inspector, Health Officer and such other appointive officers as may be authorized from time to time by ordinance. Each such appointive officer shall be appointed and hold office for the term upon the conditions set forth in this Ordinance.

(c) No person shall be eligible for any City office who is not a qualified elector of this City and who has not resided therein at least one (1) year preceding his election or appointment. All officers of this City shall, before entering upon the duties of their respective offices, take and subscribe the oath of office which may be prescribed by law therefore, which oath shall be filed in the office of the City Clerk. All such officers shall furthermore execute such bond as may be required by ordinance, payable to the City, conditioned upon the faithful performance of the duties of their offices.

(d) Every officer of the City, whether elected or appointed, shall, upon the expiration of his office, immediately deliver to his successor in office, all books, property, and effects in his possession which belong to the City of Mt. Vernon and appertaining to his office.

SECTION 1.2 MAYOR

The Mayor, before entering upon the duties of his office, shall take the oath of office prescribed by law and shall execute a bond in the penal sum of three thousand dollars (\$3,000.00), conditioned upon the faithful performance of the duties of his office, and file same with the City Clerk. The Mayor shall possess only such powers and have such duties as are imposed upon him as obligations under the statutes of the State of Illinois, together with such powers and duties vested in him as a member of the City Council.

The Mayor shall have the power to appoint such officers as may be provided by this ordinance or any ordinance of the City, with the advice and consent to the City Council. The Mayor shall have the power to remove for good cause any officer appointed by him, but such removal shall be effective only upon the concurrence of a two-thirds (2/3) vote of the City Council. The Mayor shall be paid an annual salary of seven thousand two hundred dollars (\$7,200.00), payable in equal monthly installments.

SECTION 1.3 CITY COUNCIL

(a) The City Council shall consist of the Mayor and four (4) Councilmen elected at large; which shall be the judge of the election and qualifications of its own members and in case any vacancy occurs in the office of Mayor or Councilmen by death, resignation, removal, or otherwise, such vacancy shall be filled by the remaining members of the Council by appointment of some person to such office for the unexpired term thereof.

(b) No person shall be eligible to the office of Councilman unless he shall be a qualified elector and reside within the City, nor shall he be eligible if he is in arrears in payment of any tax or other liability due the City. No Councilman shall be interested either directly or indirectly in any contract to which the City is a party. No person shall be eligible to the office of Councilman if he shall have been convicted of malfeasance, bribery, or other corrupt practices or crimes. No Councilman shall be eligible to any office, the salary of which is paid out of the City Treasury, during his term as Councilman, nor shall he be engaged in any business transaction, either directly or indirectly, or individually, or as a member of a firm or corporation with the City whereby any money is to be paid directly or indirectly by the City to such member, firm or corporation.

(c) Regular meetings of the City Council shall be held the first and third Mondays of each month at the hour of 7:00 p.m.; provided that when any such meeting date shall fall upon a legal holiday, then such meeting date shall be the Tuesday following at the same hour and place. Regular meetings shall be held in the City Hall or at such other location as shall be fixed from time to time by vote of the City Council. Adjourned and special meetings shall be held at such times and places as may be determined by the Council.

(d) Special meetings of the City Council may be held on call of the Mayor or of any two (2) Councilmen, by giving at least twenty-four hours notice thereof, by written notice to be delivered to members of the Council thereof, or by leaving copies at the residence of each member, which notice may be served by any police officer of the City and shall specifically state the business to be transacted at such meeting.

(e) A majority of all Councilmen elected, including the Mayor, shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel any absent Councilman to attend any regular, special, or adjourned meeting by written citation to that effect, stating the day and hour of such meeting, which citation shall be signed by at least two (2) Councilmen and served by any police officer of the City upon the absent Councilman in person.

(f) The City Council shall sit with open doors. It shall control the finances and property of the City, shall appropriate money for corporate purposes and shall provide for the expenses and debts of the City. The City Council shall have and shall exercise all the powers and duties conferred and imposed by the laws of the State of Illinois and the ordinances of this City.

(g) The following shall be the order of business of the Council at each meeting:

- A. The reading and approval of the journal for the meeting next preceded.
- B. Reports from the City Manager.
- C. Unfinished business.
- D. New business.
- E. Ordinances or resolutions.
- F. The order of business for a specific purpose by a majority vote of the Council. No action shall be taken on any matter not on the agenda without consent of the members present.

(h) All ordinances enacted by the City Council imposing any fine, penalty, imprisonment or forfeiture or making any appropriation shall (1) be printed in book or pamphlet form published by authority of the corporate authorities, or (2) published at least once, within ten days after passage, in one or more newspapers published in the City. No such ordinances shall take effect until ten days after it is so published, except that an ordinance imposing a municipal retailer's occupation tax or a municipal leasing occupation tax as provided by the Illinois Municipal Code or affecting a change in the rate thereof, shall take effect on the first day of the month next following the expiration of the ten day publication period. All other ordinances, resolutions and motions shall take effect upon their passage unless they otherwise provide. All ordinances and the date of publication thereof may be proved by the Certificate of the City Clerk under the seal of the City. Ordinances printed in book or pamphlet form as provided herein need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and publication thereof without further proof.

(i) The yeas and nays of the City Council shall be taken on passage of all ordinances, resolutions, motions and all propositions presented to the Council which shall be recorded in the Journal of its proceedings by the City Clerk. A concurrence of a majority of all members of the Council will be necessary to passage of any ordinance or propositions creating any liability against the City or providing for expenditures or appropriations of its fund. The concurrence of four-fifths (4/5) of all members of the Council shall be required to sell City property or vacate any street or alley. All other matters require only a majority vote of members present.

(j) There shall be allowed and paid to each Councilman, other than the Mayor, a salary of two thousand four hundred dollars (\$2,400.00) per year, payable in equal monthly installments.

(k) The City Council, in its proceedings, shall be governed by the following rules:

First: The Mayor, as presiding officer of the Council (or, in his absence, a temporary chairman selected by the Council) shall call the Council to order promptly at the time fixed for the meeting, and on the appearance of a quorum, shall cause the journal of the previous meeting to be read.

Second: The presiding officer shall in addition:

- a. Announce the business before the Council in the order appearing on the agenda.
- b. Recognize members entitled to the floor.
- c. Put to a vote all questions regularly moved or which necessarily arise in the course of the proceedings and announce the result of the vote.
- d. Conduct the meetings in an orderly manner so as to expedite the efficient and responsible processing of municipal affairs.

Third: All questions relative to the priority of business shall be decided by the Council without debate subject, however, to the provisions of this ordinance.

Fourth: Every member present, when a question is put, shall vote, unless excused for cause by the Council; provided, however, that no member shall vote upon a question in which he shall have a personal interest.

Fifth: Every motion or proposition shall, if requested by any member, be reduced to writing before a vote be taken.

Sixth: A member desiring to address the Council shall rise, say, "Mr. Mayor", or "Mr. Chairman", and, on being recognized, shall speak no longer than ten minutes at any one time, nor more than once on the same question, except by leave of the Council.

Seventh: A motion to adjourn shall always be in order except when the Council is actually engaged in voting, and as well as the motion to table, shall be decided without debate.

Eighth: All motions, resolutions, petitions, orders and communications may be acted upon by the Council at the meeting at which first presented or received, but no ordinance shall be voted upon at the meeting at which it is first presented unless the rules shall first be suspended. All resolutions and ordinances presented to the Council in writing need not be read verbatim unless any member of the Council shall so request; otherwise, any such resolution or ordinance may be introduced by title only.

Ninth: No vote of the City Council shall be reconsidered or rescinded at a special meeting unless there be present as large a number of Councilmen as were present when such a vote was taken.

Tenth: A motion to reconsider may be made by any member of the City Council.

Eleventh: These rules may be temporarily suspended by a vote of three-fifths (3/5) of the elected Councilmen, but shall not be repealed, altered, or amended except by concurrence of four-fifths (4/5) of all Councilmen elected.

Twelfth: The rules of parliamentary practice comprised in “Roberts' Rules of Order” shall govern in all cases where applicable and where they do not conflict with the rules and ordinances of this City or the laws of the State of Illinois.

Thirteenth: Upon a consistent or wilful violation of these rules, a member may be expelled from the meeting by a majority of all the members of the Council.

- (1) The fiscal and municipal year of the City of Mt. Vernon shall commence on the first day of May of each year and end on the thirtieth day of April of the following year.

SECTION 1.4 CITY CLERK

(a) The City Clerk shall, before entering upon the duties of his office, take the oath prescribed by law and execute a bond payable to the City of Mt. Vernon in the penal sum of Two Thousand Dollars (\$2,000.00), conditioned upon the faithful performance of the duties of his office, which said bond shall be filed with the City Treasurer.

(b) The City Clerk shall keep his office open in the City Hall from 8:00 a.m. to 5:00 p.m. of each day of the week, except Saturday, Sunday and legal holidays.

(c) The City Clerk shall attend all meetings of the City Council and shall keep a record of its proceedings in a suitable book styled the “Journal of the City Council.” The Clerk shall record and properly index in a book kept for that purpose all ordinances passed by the City Council, showing date of passage and publication thereof. He shall also record all official bonds.

(d) The City Clerk shall prepare all commissions, licenses, permits, and other documents required to be issued by him under the laws and statutes of the State of Illinois and ordinances of this City and attest same with the corporate seal of the City, of which seal he shall be the custodian.

(e) The City Clerk shall be the Registrar of Vital Statistics of the City of Mt. Vernon. A report of all births, still births, and deaths shall be made to such Registrar of Vital Statistics, which report shall contain all information required by “An Act to Provide For Registration of all Births, Still Births, and Deaths in the State of Illinois and to Repeal an Act Approved June 15, 1922, as Amended.” The City Clerk, as such Local Registrar, shall keep a record of all births, still births, and deaths occurring within the municipality.

(f) The City Clerk shall perform all duties imposed by law or ordinance. There shall be paid to the City Clerk an annual salary of \$32,500.00, payable in equal monthly installments.

SECTION 1.5 DEPARTMENT OF FINANCE

(a) There is hereby created the Department of Finance of the City. The Department shall consist of a Finance Director and such other employees as may be provided for by the City Council. All

City employees who perform services and obligations in all of the areas described in Section 1.5 and all subparagraphs thereof shall report to the Director of Finance insofar as the services and duties of these employees relate to those areas.

- (b) The Finance Director shall be appointed by the City Manager and shall receive a salary within ranges determined by the City Council from time to time and fixed by the City Manager based upon performance and merit.
- (c) Upon the effective date of appointment of the first Director of Finance, the City Clerk shall cease to act as ex-officio Director of Finance and no further salary shall be payable by reason thereof.
- (d) The Finance Director shall:
 - ! Assist in preparing, under the direction of the City Manager the annual budget which shall, upon the approval of the City Manager, constitute his report of estimates required by law to be submitted to the Council.
 - ! Prepare and submit to the City Manager such financial statements and reports as the City Manager may require.
 - ! Prepare the Annual Appropriation and Levy Ordinances as required by law.
 - ! Sell such personal property of the City as will not be needed for further public use, subject to the approval of the City Manager and City Council.
 - ! Have charge of the storage and supplies and materials purchased by the City and not delivered directly to the various departments and agencies and keep proper records thereof.
- (e) The Finance Executive shall establish, organize and keep all accounts of the City Government, assist in preparing, under the direction of the City Manager and Finance Director, the Annual Budget which shall, upon approval of the City Manager, constitute his report of estimates required by law to be submitted to the Council.

Prepare and submit to the City Manager such financial statements and reports as the City Manager may require.

Establish procedures to assure the receipt and deposit of all sums due the City.

Establish procedures to prevent expenditures in excess of budget appropriations and in order to prevent illegal or irregular expenditures.

Conduct special studies and investigations into the fiscal affairs of the City Departments

whenever he deems it advisable.

Collect or supervise the collection of all monies belonging to the City from all sources except Real and Personal Taxes and from other Governmental Jurisdictions.

Assist the City Manager in the purchase of all supplies, materials, and equipment required by the various departments and agencies of the City, subject to the ordinances relating thereto and the directions of the City Manager.

- (f) The Finance Executive shall establish two divisions in the Department, operated independently of each other as a security measure, but supervised by the Finance Executive. One such division shall receive all revenues payable to the City as hereinafter set forth; the other such division shall account for all such revenues as hereinafter set forth.
- (g) The Finance Executive shall receive and collect all charges for the use of City property or special services rendered by the City, sums due the City on any contract, public utility revenues from sewer and water operations, and all other sums due to the City other than those which are by law paid directly to the Treasurer. It shall be the duty of the Finance Executive to keep the City Manager informed as to all sums due on taxes, accumulations in the Motor Fuel Tax Account to the credit of the City, and all other revenues to which the City is entitled. Likewise, he shall also receive and collect all other license fees, permit fees, and City charges where it has not either by Statute or by this Code, been provided that they shall be otherwise collected. He shall give every person paying money into the City a receipt therefor, specifying the date of payment, amount and upon what account paid. Nothing in this section shall interfere with the City Clerk collecting in behalf of the City such fees as said Clerk is now collecting for and is by this Code provided for.
- (h) The Finance Executive shall establish the City's accounting procedure in such a manner that the accounts will show all financial transactions of each branch of the City Government and all financial transactions relating to all appropriations, funds and sub-funds, all cash receipts and disbursements, and all transactions effecting the acquisition, custody, and disposition of assets. Such accounts shall at all times show the fiscal condition of the City, including the current revenues and expenditures of all municipal funds and accounts.
- (i) The Finance Executive shall examine all payrolls, vouchers and bills and other claims and demands against the City and shall not issue a warrant for payment thereof, unless he has found by diligent investigation that the claim is in proper form, correctly computed and duly approved; that it is justly and legally due and payable, and that it is accompanied by the certification of a responsible official of the department concerned that the goods and services listed therein were actually received. He may require a statement in writing under oath as to any fact or matter concerning the justness or correctness of any such bill or claim. If he finds the claim to be fraudulent, erroneous, or otherwise invalid, he shall refuse to authorize the payment of same and shall make immediate report of the circumstances to the City Manager.

The Finance Executive shall, immediately preceding each regular monthly meeting of the Council, prepare a warrant on the Treasurer for the payment of all sums due from the City, listing each item and the fund out of which it is payable; which warrant, when properly signed by the Mayor and Clerk, shall authorize the issuance of a voucher or check as provided by law for the payment of each item. No item shall be included in such warrant unless it has been authorized by the Council.

A list of all items to be paid shall be submitted to the Mayor for his signature. Such list shall contain the statement of the Finance Executive and of the City Manager to the effect that all items contained herein are proper expenses due from the City for services performed or materials furnished to the City. Approval of such list of items to be paid by the Council on a roll call vote shall constitute the Council's approval of the payment of all expenses listed thereon; provided that the Council may in the motion to approve payment, except specific items from such approval, in which case such items shall not be paid. Notwithstanding any such other provision in this Code contained where employees' services have been previously authorized and such services performed and being due and payable, the payment for such services may be made and a regular warrant on the Treasurer for such payments issued without requiring further Council authorization. It shall be the duty, however, of the Finance Executive to prepare a report of such payments so made to be presented to the Council at the next meeting following for further approval of the payments so made.

If the Finance Executive issues a warrant authorizing payment of any item which no appropriation has been made, or for the purpose of which there is not sufficient balance in the proper appropriation and allotment, or which is otherwise contrary to law, he and his sureties shall be individually liable to the City for the full amount thereof.

- (j) Accounts shall be kept by Finance Executive for each appropriation made by the Council, together with a record of each allotment of the appropriation by the City Manager, and every purchase order and contract and every warrant passed for payment shall state specifically against which it is drawn. The Finance Executive's accounts shall show for each departmental appropriation and allotment made, the amount of obligations incurred against the same, and the balance remaining to the credit thereof.

No contract or purchase order involving the expenditure of tax or bond money shall be issued or entered into, nor shall any such be valid unless the Finance Executive shall first certify thereon that there is in the Treasury to the credit of the Appropriation from which it is to be paid, a balance sufficient to meet the obligation. Notwithstanding the foregoing requirements, stores and service requisitions and emergency purchase orders issued in accordance with the rules promulgated by the City Manager, may be certified not later than twenty-four hours after their issuance.

- (k) The allotments of appropriations, as approved by the City Council and from time to time revised, shall limit the amount of expenditures which may be certified against any

appropriation by the Finance Executive.

- (l) If an official or employee of the City shall authorize or incur an obligation against the City without first securing the Finance Executive's certification required by this Article, he and his sureties shall be individually liable for the amount of such obligations.
- (m) At the close of each fiscal year, any balance of an appropriation, except those relating to bond funds and other appropriations specifically granted for longer than one year by the Council, shall automatically lapse and shall cease to be available for expenditure, unless reappropriated by the Council.
- (n) Whenever any appropriation or fund is exhausted, the Finance Executive immediately shall notify the City Manager thereof, and he shall not thereafter draw any warrant against any such fund or appropriation until the same shall be renewed.
- (o) The Finance Executive shall keep in a suitable book an accurate list of all warrants drawn upon the City Treasury, showing the date, number and amount of each, the name of the person in whose favor drawn, and the fund out of which each warrant is payable.
- (p) The Finance Executive shall keep in his office in a book expressly for that purpose, to be known as the bond register, a full and correct list of all outstanding bonds of the City, showing the number, amount, time of maturity, rate of interest and place of payment of each bond; and for what and to whom the same was issued; and when any City bonds are surrendered, cancelled or paid, said register shall show the fact and in his annual report to the City Manager the said Finance Executive shall describe particularly the bonds sold, exchanged or redeemed during the fiscal year and give an itemized statement of the expenses thereof.
- (q) The Finance Executive shall require all officers charged in any manner with the receipt, collection, or disbursement of City funds to submit to him monthly reports in writing, showing in detail all such receipts, collection and disbursements. If any such officer shall neglect to make such report or to adjust his accounts whenever required by the Finance Executive or to pay over to the proper officer any money in his possession belonging to the City, it shall be the duty of the Finance Executive to cause a written notice to be served upon such officer and his sureties demanding a settlement of his accounts with the City forthwith. In case of neglect or refusal of such officer to make such settlement and pay over said monies for a period of ten days after the serving of such notice, the Finance Executive shall report such officer to the City Manager for his action in the matter, and proceedings shall be instituted against such delinquent officer and his sureties for the recovery of any money due said City.
- (r) At the close of each, month and at any other time, if so ordered, the Finance Executive shall prepare and submit to the City Manager a statement of the condition of each appropriation and fund or sub-fund and such other reports as may be required of him. At

the close of the year he shall submit to the City Manager a statement of the condition of each appropriation and fund or sub-fund and such other reports as may be required of him. At the close of the year he shall submit to the City Manager a complete report of the financial transactions of the year and the condition of the City's finances, including a balance sheet for each fund and such other reports as may be required of him.

- (s) He, with the City Treasurer, shall within ninety days after the first day of May in each year, make out an annual report for publication, giving a detailed statement of all the receipts and liabilities of the City, the condition of all unexpended appropriations, all contracts unfulfilled, the balance of money remaining in the Treasury, all sums due and outstanding, and all other matters necessary to exhibit the true financial condition of the City. When examined and approved by the City Manager, the Treasurer shall publish said report in such manner as the Council may direct.
- (t) The Finance Executive shall conduct a thorough and continuous internal audit of all receipts, payments assets and liabilities of all funds handled by the City, or by any agency thereof, in order to protect the City from loss through accident, negligence, or dishonesty. Said Finance Executive shall audit all reports of officers handling any City monies and submit same to the City Manager, together with any obligations he has thereto. It shall be his responsibility to see that all amounts legally due the City are correctly computed, collected in full and deposited in the Treasury to the credit of the proper fund and account. He shall verify the daily cash transactions and certify to the correctness of the daily cash report.

The Finance Executive shall, when so ordered by the City Manager, and may upon his own initiative, make special audits and investigations into the finances of any department of the City Government. At the close of each fiscal year the Council shall cause an audit to be made of the City accounts by duly qualified public accountants.

- (u) All warrants, books, and all papers pertaining to his office as such Finance Executive, shall at all times be open to the inspection of and subject to the examination of the Mayor, City Manager, Finance Director, City Treasurer, and any Councilman.

SECTION 1.6 CITY TREASURER

- (a) The City Treasurer, before entering upon the duties of his office, shall take the oath prescribed by law and shall execute a bond payable to the City of Mt. Vernon in the penal sum of not less than double the amount of estimated taxes, special assessments and licenses, and other receipts for the current year, conditioned upon the faithful performance of the duties of his office. which bond shall be filed with the City Clerk.
- (b) The City Treasurer shall receive all monies belonging to the City and keep a separate account of each fund or appropriation and the debit and credits belonging thereto and shall issue receipts for all monies paid into the City Treasury. The Treasurer shall keep an

accurate register of all warrants issued and paid, showing the number, date, and amount of each, the fund from which paid, the name of the person to whom paid, the date of payment, and shall cancel all warrants as soon as redeemed. The Treasurer shall segregate all monies belonging to the City separate and distinct from his own, and is hereby prohibited from using, either directly or indirectly, any funds of the City in his custody and keeping for the use or benefit of himself or any other person. All funds received upon any special assessment shall be segregated to a special fund for that purpose.

The Treasurer shall make monthly reports to the City Council of all funds collected and all expenditures made and the balance of the funds in the City Treasury. The Treasurer shall also annually file with the City Clerk a full and detailed account of all receipts and expenditures of the City and all transactions as Treasurer during the preceding year, which account the Clerk shall immediately cause to be published in the manner provided by law.

- (c) All warrants drawn by the Treasurer shall be signed by the Mayor and countersigned by the Clerk.
- (d) The City Treasurer shall receive a salary of \$6,000.00 per year, payable in equal monthly installments.