

ARTICLE 8
Fire and Police Commission
Fire Department and Police Department

SECTION 8.1 **FIRE AND POLICE COMMISSION**

There is hereby created a Board of Fire and Police Commissioners in accordance with and pursuant to Division 2.1 of Article 10 of the Illinois Municipal Code, which Board shall consist of five members who shall be appointed by the Mayor with the advice and consent of the City Council. Such Commissioners shall have the qualifications, take oath, give bond, and meet such other requirements as other appointive officers in the City of Mt. Vernon and as required by law. Each Commissioner shall serve for a term of three (3) years with the terms being staggered, except one Commissioner appointed in 2018 shall serve an initial term of four (4) years, which terms shall commence May 1 and expire April 30, three years succeeding. Upon a Commissioner's term expiring, the position becomes vacant unless filled by the Mayor with the advice and consent of the Council within sixty (60) days of expiration of the term. (Note: given the provisions of this amending Ordinance, the terms of the Commissioners after adoption of the Ordinance shall expire as follows: one Commissioner in 2018, one Commissioner in 2019, and one Commissioner in 2020, which three dates reflect the existing three Commissioners serving their current terms with current expiration dates, and the two new appointments to the Board of Fire and Police Commissioners serving terms expiring in 2021 and 2022.)

The Board of Fire and Police Commissioners shall have such duties and such power and authority as shall be granted by the provisions of Division 2.1 of Article 10 of the Illinois Municipal Code and shall make rules only concerning the appointment, removal, and discharge of officers and members of the Fire and Police Departments of the City, and shall maintain an eligibility register of persons eligible for appointment to each Department. Appointments to each Department, except that of the lowest rank (e.g. Patrolman or Fire Fighter) and except that of the Chief and the Assistant Chief of the Police Department and the Chief and the Assistant Chief of the Fire Department, shall be from the rank next below that to which the appointment is made. The Chief and the Assistant Chief of the Police Department and the Chief and the Assistant Chief of the Fire Department may be appointed from among members of the Police and Fire Departments regardless of rank or may be appointed from any qualified applicants from the general public without first considering members of the Department. The Rules and Regulations of the Board of Fire and Police Commissioners providing for appointments shall be consistent with this Section.

All applicants for a position in either the Fire or Police Department of the City shall be at least 21 years of age. All applicants for a position in the Fire Department or Police Department shall be citizens of the United States, and applicants for a position in the Fire Department, except Chief or Assistant Chief, shall, in addition, be residents of Jefferson County, Illinois for not less

than six months prior to the date of the application. All persons appointed to the position of Chief or Assistant Chief of the Fire Department and all persons appointed to a position in the Police Department shall, during their first six months of employment, become bona fide residents of Jefferson County, Illinois. Except as herein provided, all persons appointed to a position in the Fire or Police Department shall be and remain domiciled and bona fide, full-time residents of Jefferson County, Illinois during any time when they shall hold such position with the City. Any employee who shall fail to establish and/or maintain his domicile and residency within Jefferson County, Illinois shall be subject to discharge from employment with the City.

SECTION 8.2 POLICE DEPARTMENT

There shall be and is hereby established a Police Department in the City which shall consist of one (1) Chief of Police, one (1) Assistant Chief of Police, three (3) Captains of Police, six (6) Sergeants, and six (6) Corporals. The Police Department shall also include Patrolmen up to but not exceed thirty-two (32) in number as determined by the City Manager. In addition, to prevent a stoppage of public business, to meet extraordinary exigencies or to prevent material impairment of the Police Department, the City Manager may authorize and request the Board of Fire and Police Commissioners to make temporary appointments not to exceed six (6) months in length. The duties and assignments of each officer below the rank of Chief of Police shall be determined by the Chief of Police.

(a) The Chief of Police shall be the highest in rank of the Police Department and shall direct the same and assign to all officers under him their respective duties and their respective hours of duty. From the records of the Department, he shall make monthly reports and recommendations to the Fire and Police Commission and City Manager, setting forth fully all the doing of his Department for the preceding month. He shall cause the public peace and quiet to be preserved and see that all laws and ordinances of the City are complied with.

(b) The Assistant Chief of Police shall be acting Chief of Police in the absence of the Chief of Police, and shall also discharge all his duties and shall be subordinate to the Chief of Police.

(c) Captains of Police shall be subordinate to the Chief and Assistant Chief of Police and shall perform such duties and functions as shall be assigned by the Chief of Police and their superiors.

(d) Sergeants shall be subordinate to the officers above mentioned and shall perform such duties as shall be assigned by the Chief of Police and their superiors.

(e) Corporals shall be subordinate to the officers above-mentioned and shall perform such duties as shall be assigned by the Chief of Police and their superiors. Patrolmen shall be subordinate to the officers above-mentioned and shall perform such duties as shall be assigned by the Chief of Police and their superiors.

(f) Each member of the Police Department shall receive such salary and uniform allowance as may be provided for by ordinance, and shall furnish therefrom his own uniform and revolver.

(g) Each member of the Police Department is hereby authorized to arrest all persons found committing any offense against the laws of the State of Illinois or Ordinances of the City, and to commit such persons for examinations or until they can be brought before the proper magistrate or judge, and shall have the power and authority to serve warrants on persons within or without the City when necessary, for the apprehension and commitment of persons charged with the violations of any ordinances or statutes or for examination or trial.

(h) Any member of the Department may be removed from his office by the Fire and Police Commission for cause, upon written charges and after an opportunity to be heard in his own defense. Cause for removal or discharge are as follows:

- (1) Disobedience of the orders of his superiors.
- (2) Intoxication.
- (3) Violent, insolent or abusive language to any superior officer or member of the public.
- (4) Consuming intoxicating liquor when on duty or reporting for duty under the influence of intoxicating liquor.
- (5) Conduct on or off duty unbecoming a member of the Department or detrimental to the best interests of the City.
- (6) Absence from duty without leave.
- (7) Refusal to pay debts.
- (8) Inefficiency.
- (9) Lack of good physical or mental condition or inability to perform duties.

(i) All members of the Department in every position shall be retired upon reaching the age of sixty-five (65) years.

SECTION 8.3 FIRE DEPARTMENT

There shall be and is hereby established a Fire Department in the City of Mt. Vernon which shall consist of one Chief of the Fire Department, one Assistant Chief, one Lieutenant or Captain Inspector - Training Officer - Lead Paramedic, one Lieutenant or Captain Inspector - Training Officer, three Captains and nine Lieutenants and/or Lieutenants - Training Officers - Hazardous Materials Officers; the Department shall also include Fire Fighter - Paramedics not to exceed fifteen in number as determined by the City Manager. The Department may also include

twenty-eight Auxiliary Firefighters. In addition, in order to prevent a stoppage of public business, to meet extraordinary exigencies or to prevent material impairment of the Fire Department, the City Manager may authorize and request the Board of Fire and Police Commissioners to make temporary appointments not to exceed six months in length. The Department shall also have one civilian secretary and one special skilled equipment mechanic who shall not be members of the Fire Department; said secretary and mechanic shall be appointed by the City Manager and shall be members of the City's classified service.

(a) The Chief of the Fire Department shall be the highest in rank of the Fire Department and shall direct the operation of same. He shall have custody of all equipment, apparatus, and property belonging to the Department, and shall cause same to be kept in good repair. He shall attend all major fires occurring within the City, have command of the Department at all times, and see that the members of the Department faithfully perform their respective duties. He shall maintain a record of all fires occurring within the City, the date and location of each, the owner of the property destroyed by the fire, the cause of the fire, the loss incurred thereby, whether same was insured or not, and such other information as shall be pertinent. He shall examine all buildings and structures for fire hazards or combustible materials. The Chief of the Fire Department is hereby authorized to enter any building or structure at any reasonable time for the purpose of examining such structures or premises or any part thereof, which may appear to constitute a fire hazard or to be in violation of any ordinance of the City relating to fires or fire prevention.

The Fire Chief shall also be charged with the investigation, inspection, and enforcement of ordinances and regulations of the City relating to fire control, fire prevention, and fire hazards.

(b) The Assistant Fire Chief shall perform the duties of the Chief in the absence of the Chief and shall perform such other duties as may be assigned to him by the Fire Chief.

(c) Captains of the Fire Department shall perform such duties as may be assigned to them by the Fire Chief.

(d) Lieutenants of the Fire Department shall perform such duties as may be assigned to them by the Fire Chief or their superior officers, and shall be subordinate to the officers above named.

(e) Firemen shall perform such duties as may be assigned to them by the Fire Chief or their superior officers, and shall be subordinate to the officers above named.

(f) The Inspector - Training Officer - Lead Paramedic shall perform such duties as are provided and required by the provisions of Article 9 of the Revised Code of Ordinances of the City of Mt. Vernon, including the duties of Fire Prevention Inspector and shall perform such duties as are assigned to him by the Chief of the Fire Department.

(g) The Inspector - Training Officer shall perform such duties as may be assigned to him by the Chief of the Fire Department.

(h) The Maintenance Supervisor shall perform such duties as may be assigned to that officer by the Chief of the Fire Department.

(i) Repealed

(j) All members of the Department shall be paid such salary and uniform allowances as may be provided by Ordinance and shall provide therefrom their uniforms and other necessary clothing. They shall serve such hours or shifts as may be provided by the Chief of the Fire Department.

(k) Auxiliary firemen shall not be members of the regular Fire Department of the City but shall be subject to the direction and control of the Chief of the Fire Department of the City. Auxiliary firemen shall be a voluntary service organization, and auxiliary firemen shall receive no wages for services performed; however, an auxiliary fireman may receive remuneration from third persons receiving direct benefits from the service of the auxiliary fireman, provided the written approval and authorization of the Chief of the Fire Department is obtained prior to the performance by an auxiliary fireman of the assigned duty. Despite any payments from third parties to auxiliary firemen paid through the City, auxiliary firemen are not salaried employees of the City and shall not be entitled to any fringe or other employee benefit unless required by law; separate accounting and records shall be maintained as to all payments received from third parties, and all payments paid through the City shall be paid by the City to the auxiliary firemen by separate check clearly designating the source of the payments.

(1) Any officer or member of the Department may be removed from his position by order of the Board of Fire and Police Commissioners for cause upon written charges and after an opportunity to be heard in his own defense. Cause for removal or discharge are as follows:

- 1) Disobedience of the orders of superiors.
- 2) Intoxication
- 3) Violent, insolent, or abusive language to any superior or member of the public.
- 4) Drinking intoxicating liquors while on duty or reporting for duty under the influence of intoxicating liquors.
- 5) Conduct on or off duty unbecoming a member of the Department or detrimental to the best interests of the city.
- 6) Absence without leave.
- 7) Refusal to pay debts.
- 8) Inefficiency.
- 9) Lack of good physical or mental condition or inability to perform his tasks.
- 10) Failure to obtain and maintain continuously State of Illinois Fire Fighters II Certification or other fire training or certification required by the City.

- 11) If appointed after January 1, 1989, failure to obtain and maintain continuously Emergency Medical Technician/Ambulance (EMT-A) Certification, Emergency Medical Technician/Intermediate (EMT-I) Certification, Emergency Medical Paramedic (EMT-P) Certification, Cardiopulmonary Resuscitation (CPR) Instructor Certification, Emergency Rescue Technician (ERT) Certification, or other training or certification required by the City, unless excused in writing by the Chief for good cause.
- 12) If appointed after January 1, 1989, failure to participate in the physical fitness training program established by the Department or failure to meet and maintain such physical fitness, agility, and ability as required and determined by the Department.

SECTION 8.4 POLICEMEN'S PENSION FUND

There is hereby established a Policemen's Pension Fund for the City of Mt. Vernon, pursuant to provisions of Article 3 of Chapter 108- ½ of the Illinois Revised Statute. There is hereby created a Board of Trustees which shall consist of five (5) trustees who are residents of the City. Two (2) trustees shall be appointed by the Mayor for a period of two (2) years each, or until their successors shall be appointed and qualified. The third and fourth members of the Board shall be elected by the members of the active police force for a term of two (2) years each, or until their successors shall be elected and qualified. The fifth member shall be elected by and from beneficiaries of the Fund for a term of two (2) years or until his successor shall be elected and qualified.

The election provided for elected members of the Board shall be held biannually on the third Monday in each April hereafter, at such place or places in the City and under the Australian Ballot System and such other regulations as shall be prescribed by the appointive members of the Board of Trustees. The terms of each trustee shall begin on the second Tuesday of May following such election. The Board of Trustees shall have such power and duties as are provided by Article 3 of Chapter 108-½ of the Illinois Revised Statutes.

The Policemen's Pension Fund shall receive 8.5 percent of the salary of each member of the Police Department and all proceeds from the levy of a tax provided for such fund under the provisions of the Statutes of the State of Illinois. The Treasurer of the City of Mt. Vernon shall be the Treasurer and Custodian of the Fund and shall make disbursements therefrom only by direction and authority of the Board of Trustees.

In the absence of the City Treasurer, the City Clerk of the City of Mt. Vernon may sign checks authorizing disbursements as directed by the Board of Trustees, provided said checks are also signed by either the President or Secretary of the Board of Trustees.

SECTION 8.5 FIREMEN'S PENSION FUND

There is hereby established and adopted a Firemen's Pension Fund pursuant to provisions of Article 4 of Chapter 108-½ of the Illinois Revised Statutes. There is hereby created a Board of Trustees of the Firemen's Pension Fund which shall consist of the City Treasurer, City Clerk, Chief of the Fire Department, and Mayor, and also three (3) Trustees who shall be chosen from the firemen who have been duly retired under provisions of the statute above set forth. The

members of the Board chosen from the active and retired firemen shall be elected by ballot in an election held on the third (3rd) Monday in April under the Australian Ballot System at such place and under such regulations as shall be prescribed by the Board.

Each elected member of the Board shall hold office for a period of three (3) years and until his successor has been duly elected and qualified. The Board shall have such powers and duties as are provided by provision of Article 4 of Chapter 108-1/2 of the Illinois Revised Statutes. There shall be set apart and paid in the fund seven and three-fourths percent (7-3/4 %) of salaries of all members of the Fire Department and all proceeds of the annual tax levy provided by Statute. Treasurer of the Board shall be custodian of the fund and shall make disbursement therefrom only by direction and authority of the Board of Trustees.

In the absence of the City Treasurer, the City Clerk of the City of Mt. Vernon may sign checks authorizing disbursements as directed by the Board of Trustees, provided said checks are also signed by either the President or Secretary of the Board of Trustees.

SECTION 8.6 COMMUNITY SERVICES PERSONNEL

(a) The Mayor is hereby authorized to appoint 32 Community Services Personnel, subject to the advice and consent of the City Council. Prior to appointment, all proposed Community Services Personnel shall be investigated by the Police Department for any possible crime records. No person shall be appointed to Community Services if he or she has been convicted of a felony or any crime involving moral turpitude. The appointment of any or all Community Services Personnel may be terminated without cause and without notice or hearing by the Mayor, subject to the advice and, consent of the City Council.

(b) Community Services Personnel shall not be members of the regular Police Department of the City, nor shall Community Services Personnel carry firearms. Community Services Personnel shall be residents of Jefferson County. Identification symbols worn by Community Services Personnel shall be different and distinct from those used by the regular Police Department and shall be selected and approved by the Chief of Police of the City. Community Services Personnel shall at all times during the performance of their duties be subject to the direction and control of the Chief of Police of the City. Community Services Personnel shall not wear their uniform or identification symbols except during the performance of their assigned duties under the direction and control of the Chief of Police.

(c) Community Services Personnel shall have the following duties and powers when properly assigned and on duty:

1. To aid or direct traffic in the municipality, including, but not limited to, during official school functions, or at community sponsored festivals and gatherings within the municipality, or during events sponsored by the City.

2. To aid in control of natural or man-made disasters.

3. To aid in case of civil disorder.

(d) Community Services Personnel shall not serve as security guards for private individuals

or businesses. Persons who have received an appointment as Community Services Personnel may accept employment as security guards solely as private individuals; provided, however, that said persons shall not wear their Community Services Personnel uniform or symbols and shall not, during the course of such private employment, perform any act or make any representation that their employment is being performed pursuant to or is related to their appointment as Community Services Personnel.

(e) Community Services Personnel shall be a voluntary service organization, and Community Services Personnel shall receive no wages for services performed; however, Community Services Personnel may receive remuneration from third persons receiving direct benefits from the services of the Community Services Personnel, provided the written approval and authorization of the Chief of Police is obtained prior to the performance of the Community Services Personnel of the assigned duty. Despite any payments from third parties to Community Services Personnel paid through the City, Community Services Personnel are not salaried employees of the City and shall not be entitled to any fringe or other employee benefit unless required by law; separate accounting and records shall be maintained as to all payments received from third parties, and all payments paid through the City shall be paid by the City to the Community Services Personnel by separate checks clearly designating the source of the payments.