

ARTICLE 2
ADMINISTRATION

SECTION 2.1: CITY MANAGER

- (a) The City Manager shall be appointed by the City Council for an indefinite term as provided by law. Before taking office the City Manager shall furnish a fidelity bond in the amount of Five Thousand Dollars (\$5,000.00), conditioned upon the faithful performance of his duties, in which bond shall be filed with the City Clerk.

- (b) The City Manager shall have and exercise all powers and duties assigned to him by statute and such other authority as may be granted by the City Council. He shall be charged with the enforcement of all laws and ordinances within the municipality insofar as their enforcement is within the power of the City.

- (c) The Manager shall attend all meetings of the City Council, shall keep the Council informed as to the affairs of the City, and shall recommend to the Council such actions as may be necessary or expedient for the welfare of the City.

- (d) The City Manager shall hire and discharge all employees (other than those under civil service or other tenure of office law) authorized by the City Council to be hired, at such compensation as may be set or authorized by the City Council. All employees shall perform their duties subject to the direction of the City Manager or that of the superior to whom the Manager may assign such employee; provided that the Manager may delegate to any other official or employee the authority to hire or discharge any employee so authorized.

- (e) All appointive officers of the City shall be filled by appointment by the Manager, except where otherwise provided by law, and the Manager shall report to the Mayor and Council such appointments or any removal from office, made by him as soon as possible after the appointment or removal.

- (f) Every administrative department of the City shall be under the supervision and control of the Manager, who shall have the power to remove from office any officer appointed by the Manager, subject to the provisions of this Section.

- (g) The Manager shall examine all proposed contracts to which the City may be a party, and may sign on behalf of the City any contract authorized by the City Council, excepting where the Council directs that some other officer or officers shall do so. It shall be the duty of the Manager to see to it that all terms of any contract to which the City is a party, are fully performed by all parties thereto.

- (h) The Manager shall be general purchasing agent of the City, and except where specific provision to the contrary is made by law or by the Council, he shall make

all purchases of supplies, materials and equipment authorized by the Council in the manner prescribed by, and subject to the limitations imposed by law. No purchase shall be made or obligation incurred excepting upon authorization by the Council and no expense shall be incurred, except for purposes for which no prior appropriation is required by law, if the amount thereof is not covered by an unexpended appropriation.

- (i) It shall be the duty of the Manager to cause to be prepared each year the Annual Appropriation Ordinance in time for consideration and enactment by the Council during the first quarter of the fiscal year; and to prepare the Tax Levy Ordinance for passage and file a certified copy with the County Clerk within the time required by law. He shall keep current accounts of the amounts appropriated and the amounts spent out of each appropriation, showing the unexpended appropriations at all times.
- (j) It shall be the duty of the Manager to keep current accounts showing at all times the fiscal condition of the City, including the current and anticipated expenses, appropriations, cash on hand, and anticipated revenue of all municipal funds and accounts; and shall see to the collection of all money due the municipality.
- (k) The Manager shall keep a current inventory showing all real and personal property of the City and its location, and shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other City property, which is not by law assigned to some other officer or body for care and control.
- (l) It shall be the duty of the Manager to see to the publication of all notices, ordinances or other documents required by law to be published, and to prepare or cause to be prepared, all reports which the City or any of the officials thereof are required by law to prepare.
- (m) The Manager shall prepare and have custody of all municipal records required by law to be kept by the City and not by a specific officer. Where the law makes it the duty of a specific officer to keep or maintain records, the Manager shall make available to such officer all necessary clerical assistance for the preparation of such records and shall make available a place for the custody of such records. And in compliance herewith, the Manager shall make available to the Clerk, stenographic or clerical assistance necessary for the preparation of the Journal of Council Proceedings, and the record of ordinances and all other documents which by law the Clerk is required to keep, and he shall perform similar services for the Treasurer in the maintenance of bond registers and all other records or documents which by law the Treasurer is required to keep or prepare. Where the law requires or provides for certification of any records or documents by any officer of the City, the Manager shall cause such records or documents to be properly prepared and presented to each officer for his signature.
- (n) The Manager shall cause to be kept a complete set of maps and plats, showing the

location of all City utilities, and other municipal properties, all street and other public places, and all lots or parcels of land subdivided according to law.

- (o) The Manager shall maintain an office in the City Hall and shall spend such time in the performance of his duties as may be required by the Council. In the event that the City Manager shall be absent from the City or incapacitated from performing the duties of his position, the City Attorney shall act as Manager during such absence or incapacity.
- (p) The above described salary shall be adjusted quarterly hereafter by one-half the percentage of increase in the Consumer Price Index published by the Bureau of Labor Statistics, U.S. Department of Labor, The average index number as published for the month of May, 1981, for "All Items", in a table entitled, "Consumer Price Index of U.S. City Average, All Items and Commodity Groups", shall have subtracted from it the same index number as published for the month of August, 1981. The resultant number shall be divided by 2, and that figure used as percentage for increase or decrease in the salary herein provided. The same computation shall then be made quarterly thereafter, using the average index figure for the last month of the prior quarter and the last month of the then quarter.
- (q) The City Manager shall make periodic surveys of the functions, duties and work load of all departments and officers of the City. Based thereon, the City Manager shall, from time to time, determine the need of all departments and officers of the City, all secretarial, stenographic, and clerical assistance, and shall, based upon results of said periodic survey, have complete authority from time to time to assign secretarial, stenographic, and clerical employees of the City to the various departments and officers of the City in accordance with their current requirements. The City Manager is hereby granted the right, authority, and power to hire such secretarial, stenographic, and clerical employees as shall, in his opinion, be necessary to the efficient discharge of business of the City and such other limitations of those numbers of employees as shall be authorized by annual appropriation and salary ordinances, and the City Manager shall further have the power to discharge such employees.
- (r) Any employee of the City in any position who shall become disabled or incapable of performing the duties of his office or position shall be automatically retired and the City Manager is hereby granted authority to retire any employee who shall be shown to be so disabled or incapable of performing the duties of his office or position by certificate of a duly licensed physician. No retirement benefits shall be due or payable to any employee, except under the provisions of the Illinois Municipal Retirement Fund, Firemen's Pension Fund, or the Policemen's Pension Fund. The provision of this subsection (r) shall not apply to officers under the jurisdiction of the Fire and Police Commission.

SECTION 2.1A: ASSISTANT CITY MANAGER

A. There is hereby created the position of Assistant City Manager.

B. The Assistant City Manager shall be appointed by the City Manager and shall be subject to the direction and supervision of 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. The Assistant City Manager shall have the following duties and responsibilities:

1. Assist the City Manager in planning, coordinating, analyzing, implementing, and managing City departments, programs, and policies.
2. Coordinate with City department Heads to develop strategic plans to obtain desired objectives.
3. Synthesize information from numerous sources, prepare reports, recommend solutions, and make presentations to the City Manager, elected officials, City staff, and the general public.
4. Perform special assignments; oversee and coordinate projects as assigned by the City Manager.
5. Assist in the formulating and implementing of City administrative policies and procedures; enforce departmental rules, regulations, policies, and procedures.
6. Plan, organize, and direct the administration of the City; develop and manage departmental goals and objectives; provide administrative leadership in City administration, personnel, and building maintenance.
7. Coach, direct, and supervise personnel engaged in performing City administration, personnel, and building maintenance; plan, schedule, and assign work; instruct and train, correct methods and procedures; establish departmental work priorities; monitor work in progress; ensure City employees follow safe practices; revise departmental policies and procedures.
8. Review and evaluate employee performances.
9. Develop, coordinate, and direct public relations activities for the City by performing the duties personally or through subordinates.
10. Implement department operational procedures and ensure compliance with City, County, State, and Federal ordinances, laws, regulations, and policies; resolve departmental operational problems.
11. Assist, conduct, and participate in negotiations with union organizations representing employees.
12. Coordinate and direct the City's participation in events and programs.
13. Assist in negotiating contracts with outside vendors.
14. Serve as interim department head as needed and perform duties of the City Manager in his/her absence as directed by the City Manager or Council.
15. Perform such other duties as directed or assigned by the City Manager.

D. The Assistant City Manager shall specifically perform the duties of the Executive Administrator, of the Department of Economic Development as provided within Section 2.13 of the Revised Code of Ordinances.

SECTION 2.2: LEGAL DEPARTMENT

A. Legal Department Established

There is hereby established a Legal Department for the City of Mt. Vernon which shall consist of a Corporation Counsel and a City Attorney, and such Assistants and Special Assistants as may be hereafter authorized, all of whom shall be Attorneys at Law duly licensed to practice in the State of Illinois. The Corporation Counsel and the City Attorney shall each be residents of the City of Mt. Vernon, Illinois. The City Council may further, from time to time, authorize such clerks, secretaries, assistants, and other staff as may be necessary for the efficient operation of the Legal Department and the good of the City. The Legal Department shall be under the supervision and direction of the City Manager for all administrative purposes.

B. Corporation Counsel

The Corporation Counsel of the City shall be appointed by the City Manager, with the advice and consent of the City Council. He shall be the head of the Legal Department and shall be responsible for its efficient operation. He shall be appointed on an indefinite basis and shall continue in office until a successor has been appointed and qualified. The Corporation Counsel shall advise the City Council, Mayor, City Manager, and heads of departments; shall prepare and revise ordinances when requested by the City Manager, City Council, or Mayor. He shall prepare for execution all contracts and agreements to which the City is a party, and shall approve as to form all legal instruments. He shall give legal opinions on any legal matter or question submitted to him by the City Manager, City Council, or Mayor, or any other officer of the City authorized by the City Manager, City Council or Mayor.

He shall further represent the City of Mt. Vernon in all matters not involving litigation. The Corporation Counsel shall further examine and approve as to form all resolutions, ordinances, contracts, and other documents prepared by other parties and submitted to the City for the approval, enactment, or execution by the City. The Corporation Counsel shall attend all official meetings of the City Council.

C. Litigation

1. City Attorney. The City Attorney shall be appointed by the City Manager and shall prosecute all actions for violation of City Ordinances initiated or referred by the City Manager, City Engineer, or other City official, except the Police Department and such other litigation matters as may be assigned by the City Manager.

2. Assistant City Attorney. An Assistant City Attorney may be appointed by the City Manager to prosecute all actions for violation of traffic ordinances of the City of Mt. Vernon, including all provisions of Article 18 hereof and also, complaints of ordinance violations made by private citizens.

3. General Litigation. The Corporation Counsel or such other member of the Legal Department as shall be designated by the City Manager from time to time shall prosecute and defend any and all other suits or causes of action to which the City may be a party and shall represent the City in all matters before the Circuit, Appellate, or Supreme Courts of the State of Illinois, in any Federal Court hearing, hearings before the Illinois Commerce Commission or other judicial or quasi-judicial commission where there is a possibility of an appeal to a court of record.

D. The Corporation Counsel shall be paid a retainer of \$125.00 per month for his attendance upon the official bi-monthly meetings of the City Council. For all other services, the Corporation Counsel and the City Attorney shall keep detailed time records of time necessarily spent by each of them for their services, and shall bill the City monthly for services of the month prior to such bill, which shall be at the same rate for hourly services as the fair, usual, and customary hourly fee by attorneys in Jefferson County. The City shall further pay the proper out of pocket expenses of the Legal Department, including all court costs, publication costs, telephone expenses, and other out of pocket expenses.

E. Conflict of Interest

In the event that any member of the Legal Department of the City may be prevented from representing the City in any matter for which their office would otherwise require them to provide legal services to the City, including prohibition of representation by reason of conflict of interest or other ethical prohibition or by reason of time constraint or in which any of them shall desire or request assistance, the City Manager may authorize any other member of the Legal Department to represent the City in any particular case, or the City Manager may employ Special Counsel for any such purpose. In the event of appointment of Special Counsel who is not then the Corporation Counsel, City Attorney or Assistant City Attorney appointed by the City Manager, that appointment shall be at such salary or compensation as may be agreed upon between the City Manager and that Special Counsel but which compensation shall be ratified by the City Council.

F. The duties of the Corporation Counsel, the City Attorney, or any Special Counsel shall not prevent either office from engaging in the general practice of law in any matter not in conflict with the interests of the City of Mt. Vernon.

SECTION 2.3: CITY ENGINEER

(a) There is hereby created the office of City Engineer; who shall be appointed by the City Manager with the advice and consent of the City Council and who shall, before entering the duties of his office, take the oath prescribed therefor.

(b) The City Engineer shall devote his full time to the duties of his office and shall not perform any professional services for any other person, corporation, or entity. He shall perform the following engineering services for the City:

1. Attend all Council meetings and all Utility Commission meetings for the purpose of ascertaining the desires of the City in regard to engineering projects or problems and to offer advice on such projects or problems when requested.
2. Obtain resolutions when necessary for engineering projects and secure the approval of the proper agency for saw.
3. Supervise all maintenance operations, including the preparation of estimates, maintenance expenditure statements, inspection of work, ordering materials; and checking bills for approval and payment by the City for projects not requiring plans and specifications and not part of the MFT maintenance.
4. Make the necessary inspections of all problems of an engineering nature when reported to the City or requested by the City Manager and recommendations for the improvements or correction of same.
5. Represent the City in all transactions or working agreements when engineering services are required.
6. Supervise the work on any construction which does not require detailed plans and specifications.
7. Supervise all maintenance operations which are part of MFT maintenance, including preparation of estimates, maintenance expenditure statements, inspection of work, ordering of materials, checking bills for approval and payment, and all other services for MFT work, including where appropriate, plans and specifications.
8. Perform any other engineering and professional services directed by the City Manager.
9. Supervise the staff of his office.

(c) The City Engineer 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.

SECTION 2.4: DEPARTMENT OF PUBLIC WORKS

There is hereby created a Department of Public Works for the City of Mt. Vernon, which shall be directed by the Superintendent of Public Works under the supervision of the City Manager. The Department shall have jurisdiction and control of the operation, construction, maintenance and improvement of all City streets, sidewalks, and other public places, not including parks, sanitary sewage systems, or water system. The Superintendent shall personally superintend all improvements upon streets, alleys, and sidewalks of the City of Mt. Vernon and cause all unsecure and unsafe places thereon to be repaired, and shall cause all ordinances

relating to streets, alleys, and sidewalks to be enforced. He shall keep a record of all tools and property in his possession belonging to the City and shall make monthly reports as to all services performed by the department during the preceding month. He shall annually, under the direction of the City Manager and City Engineer, prepare a program of maintenance for all streets, alleys, and sidewalks and construction of new public facilities for the next ensuing year.

SECTION 2.5: CITY EMERGENCY MANAGEMENT

(a) Establishment

There is hereby created the Mt. Vernon City Emergency Management Agency to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Management Agency Act (20 ILCS 3305. et seq). The term EMA is herein defined to mean Emergency Management Agency where the same appears.

(b) Coordinator

The Coordinator of the City EMA shall be appointed by the Mayor with the consent of the City Council and shall serve until removed by same.

The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the EMA, subject to the direction and control of the City Council as provided by statute.

In the event of the absence, resignation, death or inability to serve as the coordinator, the Mayor or any person designated by him, shall be and act as coordinator until a new appointment is made as provided in this ordinance.

(c) Functions

The City EMA shall perform such EMA functions within the City as shall be prescribed in and by the Illinois Emergency Management Agency Act plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivisions, municipality, or quasi municipality entered into as provided by "The Illinois Emergency Management Agency Act".

(d) Service as Mobile Support Team

All or any members of the City organization may be designated as members of a Mobile Support Team created by the Director of the Illinois Emergency Management Agency as provided by law.

The leader of such Mobile Support team shall be designated by the Coordinator of the City EMA Organization.

Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State reasonable compensation as provided by law.

(e) Agreements With Other Political Subdivisions

The Coordinator of EMA may negotiate Mutual Aid Agreement with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the City Council, and by the State Director of EMA, if required.

(f) Emergency Action.

If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois or a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the City EMA to cooperate fully with the Illinois Emergency Management Agency and with the Governor in the exercise of emergency powers as provided by law.

(g) Compensation

Members of the EMA who are paid employees or officers of the City, if called for training by the State Director of EMA; shall receive for the time spent in such training the same rate of pay as is attached to the position held; such members who are not such City employees or officers shall receive for such training time, such compensation as may be established by the City Council.

(h) Reimbursement by State

The City Finance Director may receive and allocate to the appropriate fund, any reimbursement by the State to the City for expenses incident to training members of the EMA prescribed by the State Director of EMA, compensation for services and expenses of members of a Mobile Support Team while serving outside of the City in response to a call by the Governor of State Director of EMA, as provided by law, and any other reimbursement made by the State incident to EMA activities as provided by law.

(i) Purchases and Expenditures

The City Council may, on recommendation of the City Coordinator of EMA, authorize any purchase or contracts necessary to place the City in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

In the event of enemy caused or other disaster, the City Coordinator of EMA is authorized on behalf of the City, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by the Illinois Emergency Management Agency Act, provided that if the City Council meets at such time he shall act subject to the directions and restrictions imposed by that body.

(j) Oath

Every person appointed to serve in any capacity in the City EMA Organization shall, before entering upon his duties, subscribe the following oath, which shall be filed with the Coordinator:

“I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been, a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Mt. Vernon City EMA Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

(k) Office

The City Council is authorized to designate space in a City building, or elsewhere, as may be provided for by the City Council for the City EMA as its office.

(1) Appropriation - Levy of Taxes

The City Council may make an appropriation for EMA purposes in the manner provided by law, and may levy in addition for EMA purposes only a tax not to exceed five(5) cents per one hundred dollars (\$100) of the assessed value of all taxable property in addition to all other taxes, as provided by the Illinois Emergency Management Agency Act; however, that amount collectable under such levy shall in no event exceed twenty-five cents (25¢) per capita.

SECTION 2.6: HEALTH

(a) There is hereby created a Division of Sanitation within the City of Mt. Vernon under the supervision of the City Manager and consisting of such employees as may be necessary for the operation of the Division, provided that the maximum number shall be authorized

by the Annual Budget Ordinance.

The City will regularly collect and dispose of garbage and refuse of residential dwelling units within the City; provided that the City shall not collect garbage at any place which is not within the City limits; shall not collect garbage at any dwelling unit which is located above business establishments which are located in the downtown area; shall not collect garbage from any school, commercial, or industrial establishment; and shall not collect garbage from any dwelling having five or more apartments or units.

A monthly service charge shall be collected from each residential dwelling unit receiving City garbage and refuse collection; for purposes of assessing this fee, each single family residence, each apartment, each mobile home, or each other living unit shall constitute a "dwelling unit". The service charge shall be in addition to any tax or other fee imposed or received by the City for garbage and refuse collection and may be reviewed annually at the beginning of each fiscal year. Effective May 1, 2016, the service charge shall be \$19.00 per dwelling unit per month. The charge for garbage and refuse collection service shall be made monthly and shall be made payable 16 days after rendition. The applicant for service, the occupants of the dwelling unit served, and the user of the garbage and refuse collection service shall be jointly and severally liable to pay the service charge set forth for service to a dwelling unit. The City shall be under no obligation to furnish garbage and refuse collection to any person who is in default as to any garbage and refuse collection charges or to any dwelling unit occupied by a person who is in default as to any garbage and refuse collection charges; and the City at any time after a charge becomes delinquent shall have the full power and authority to terminate garbage and refuse collection service, and said shall not be resumed until the delinquent charges and all other garbage and refuse collection charges billed (whether otherwise due or not) are not paid in full. No garbage and refuse collection service shall be provided to any dwelling unit upon application of any person who is in default as to any garbage and refuse collection charges due the City, no matter at which dwelling unit said default occurred until such person has paid all delinquent and billed charges in full. No garbage and collection service shall be provided to any dwelling unit occupied by any person who is in default as to any garbage and refuse collection charges, no matter at which dwelling unit said default occurred and no matter whether the said person is the applicant until such person has paid all delinquent and billed charges in full. The garbage and refuse collection service fee shall be billable with water and sewer charges; and in the event any person shall be otherwise entitled to a refund of a water or sewer deposit or shall have a delinquent or billed garbage collection service charge, said charge shall be deducted from the refund before payment of any refund or credit to said person.

The garbage and refuse collection service fee shall be billable with water and sewer charges; and in the event any person shall be otherwise entitled to a refund of a water or sewer deposit or shall have a delinquent or billed garbage collection service charge, said charge shall be deducted from the refund before payment of any refund or credit to said person.

The owner or operator of each trailer park receiving garbage service for multiple dwelling units but receiving a single billing shall on December 1, March 1, June 1 and September 1 submit a report to the City Manager as to the total number of occupied units and total number of vacant units within the trailer park as of the reporting date so that the City can determine the appropriate number of dwelling units to bill effective January 1, April 1, July 1, and October 1, respectively. In addition, upon request by the City Manager or his designee or agent, each owner for operator shall submit within 10 days thereafter business records and other information as may be required to document any report of dwelling units submitted. In the event any owner or operator refuses or fails to file the required report on the above due date or fails or refuses to submit documentation requested within 10 days, then a monthly service charge shall be imposed based upon the total number of dwelling units (occupied and vacant) described within the most recent report on file or upon such number of units as determined by the City if greater than the number described within the most recent report.

In the event charges, including penalty charges, for garbage service are not paid on or before the due date of the bill for such services, such charges shall be deemed and are hereby declared to be delinquent. Thereafter, such delinquent charges shall constitute a lien upon the real estate for which such garbage services are supplied, regardless of whether such service has been supplied upon the application of an owner, an occupant or other user; provided, however, that the owner of the real estate shall have no personal liability for the delinquent charges unless said owner was also the applicant for or user of the services giving rise to the charges. The City Manager or the Finance Director or a designee of either is hereby authorized and directed to file a sworn statement showing such delinquencies and claiming such in the Office of the Recorder of Deeds of Jefferson County, Illinois, after first giving seven (7) day notice by regular mail of such delinquency to the owner of said real estate. This statement shall contain a description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for the unpaid amount as well as for all charges for garbage service subsequent to the period covered by the bill. The lien for garbage services may be enforced and foreclosed against the premises by suit in the Circuit Court of Jefferson County, Illinois according to the rules and practices of said Court. The City shall recover all costs, including reasonable attorney fees, incurred by the City in preparing, filing, and foreclosing the lien. The lien may also be enforced and foreclosed by intervention in any suit already commenced in said Court or any other Court whenever said intervention is proper under the law. In addition, whenever the City is made a defendant in any suit on account of any lien, it shall have for the furnishing of garbage service full power to enforce its said lien in said proceedings. The method herein provided for enforcing and foreclosing a lien shall not be considered as excluding any other remedy or any other method of collecting unpaid garbage service charges but shall be concurrent with all other remedies and methods. The City shall recover all costs, including reasonable attorney fees, incurred by the City in effecting collection for garbage services or incurred by the City in effecting or defending any remedy.

(b) Garbage, when used herein, shall be held to include any refuse, accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, or dealing in of meat, fish, fowl, fruit, vegetables, or other things used for food preparation.

- (c) Garbage and refuse collection shall be subject to the provisions of Section 12.24 of the Revised Code of Ordinances.
- (d) It shall be unlawful to place ashes, chemicals, drugs, poisons, or hazardous materials in receptacles provided for garbage or other refuse.
- (e) All vehicles used in the collection or hauling of garbage or other waste or refuse shall be so constructed as to prevent leakage or spillage and fit with a cover to reduce odor and to prevent garbage, waste, and other refuse from being deposited on public or private places within the corporate limits or upon roadways.
- (f) It shall be unlawful for any person, firm, or corporation to permit the accumulation of garbage, waste or other refuse upon premises owned or occupied by him or to allow garbage, waste, or refuse to be carried or deposited upon any private property or upon any street, sidewalk, alley, or other public places within the City.

SECTION 2.7: PARKS AND PUBLIC FACILITIES DEPARTMENT

(a) There is hereby created a Parks and Public Facilities Department. The Department shall have authority over the Veteran's Park, Lincoln Park and all lands acquired by the City by donation, condemnation or otherwise for park purposes and, in addition, shall have responsibility for maintenance of public buildings, public grounds and municipal right-of-ways. The Parks and Public Facilities Department shall be administered by the Director of Parks and Public Facilities who shall be under the direction and supervision of the City Manager.

(b) There is further hereby created a Park and Recreation Board which shall serve in an advisory capacity to the City Manager and the City Council in the use, operation, and maintenance of the park system of the City and other public grounds as determined by the City Manager. The Board shall consist of seven (7) members who shall be appointed by the Mayor with the advice and consent of the City Council. Beginning May 1, 2013, three (3) members shall be appointed for a term of three (3) years, two members for a term of two (2) years, and two (2) members for a term of one (1) year; thereafter, each member appointed shall serve a term of three (3) years. Terms shall commence on May 1 and expire on April 30. Vacancies shall be filled by appointment for the unexpired term of the vacancy. Each member shall serve without compensation. Failure of a member to attend three meetings during a calendar year shall subject the non-attending member to removal as a member of the Board upon recommendation of the Mayor and approval by the City Council.

(c) The City Council shall appropriate and levy a special tax for the use, maintenance and operation of the City Park system and all funds received from such levy shall be separately accounted for by the Finance Director of the City to insure that said funds are solely used for the operation, maintenance and improvement of the Park system.

(d) The Director of Parks and Public Facilities shall be appointed by the City Manager and shall receive a salary within ranges as determined by the City Council from time to time and fixed by the City Manager, based upon performance and merit.

(e) The Director of Parks and Public Facilities shall have the following duties and responsibilities:

1. Plan, direct, and administer all park recreation programs; supervise and direct the design, planning, development and implementation of recreational and instructional park programs.
2. Inspect physical park and recreation facilities and develop plans for their replacement and direct and evaluate construction, maintenance and repair of City Park grounds and equipment.
3. Coordinate maintenance and repair schedules of property under the authority of the Department and be responsible for the maintenance and general housekeeping of said property.
4. Prepare and administer annual recreational budget; approve recreational expenditures; prepare and maintain records of recreational expenditures and activities.
5. Supervise, inspect and evaluate the work of subordinate personnel engaged in construction, maintenance and repair activities to insure compliance with project standards; provide training and orientation to new employees; administer the terms of the labor contract between City and the Union.
6. Plan, direct and evaluate the performance of a recreational coordinator, clerical staff and other employees of the Department.
7. Direct and assist the Recreational Coordinator in the performance of specific duties of the Recreational Coordinator; including duties of (1) acting as administrative assistant to the Park and Recreation Board and keeping all records of the Board, minutes of meetings for the Board and coordinate activities of the Board with the Office of the City Manager; (2) acting as the City's representative in all recreational matters in related organizations and assisting and making recommendations to appropriate civic organizations or groups; (3) coordinating State and Federal grants with the Grant Coordinator and insuring compliance with funding requirements and grant regulations; and (4) supervising recreational employees, such as swimming pool employees and umpires.
8. Plan, direct and evaluate the construction, maintenance, cleaning, and repair of public buildings, right-of-ways, Park, and other public property under the authority of the Department.

9. Plan, direct and evaluate the cleaning; setting up, opening, and closing of municipal buildings and recreational sites.
10. Plan, direct and evaluate mowing of public grounds, trimming of trees and shrubbery, cultivating of flowers, and landscaping of public grounds.
11. Organize, plan, direct; and evaluate long-range plans for public maintenance improvements in conjunction with other City Departments; organize, plan, direct, and evaluate preventative maintenance for public facilities.
12. Receive complaints and questions from the general public regarding public maintenance activities and initiate corrective actions where necessary.
13. Prepare, submit and administer an annual budget; prepare projected costs for labor, materials and equipment; review and approve requests for work materials and purchases of services and equipment, and prepare and maintain records of work performed.
14. Handle all administrative duties concerning the Parks and Public Facilities Department.
15. Provide a monthly and annual report of activities, costs. and projected activities to the City Manager and Council and respond as necessary to other inquiries of the City Manager and Council.
16. Perform such other duties as directed or assigned by the City Manager.

(f) The swimming pool of the City of Mt Vernon shall be under the authority of the Parks and Public Facilities Department. The public swimming pool of the City of Mt Vernon and use thereof by all persons shall be subject to the following regulations:

1. Admission to the pool shall be refused to all persons having venereal disease, contagious disease, infectious diseases such as colds, fevers, ringworms, foot infections, skin lesions, carbuncles, pimples, inflamed eyes, ear discharge, or any other conditions which have the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, etc. or other bandages of any kind, will not be admitted.
2. No food, drink, gum or tobacco shall be allowed in the pool area.
3. All persons shall be required to take a shower in the nude with soap and warm water before being allowed in the pool area.
4. Bathers who leave the pool area for any reason shall be required to shower before returning to the pool.
5. All persons with long hair shall be required to wear caps while in the pool.

6. All persons shall report to the attendant after taking their shower, before entering the water.
7. People in street shoes shall not be allowed in the pool area.
8. No flotation devices such as inflatable rafts or inner tubes shall be allowed in the swimming pool.
9. No person shall engage in expectoration of water or other fluids, spouting or throwing of water roughness, rowdiness, or loud or raucous behavior.
11. The Parks and Public Facilities Director shall have the authority to adopt the necessary regulations in addition to the above in order to carry out these regulations and for the efficient and safe operation of the swimming pool.
12. In addition to the penalty clause of this ordinance, any person violating these regulations or the necessary directions of the Parks and Public Facilities Director, the Manager of the swimming pool or the lifeguards, shall be subject to exclusion from the swimming pool.

SECTION 2.8: HUMAN RESOURCES DEPARTMENT

A. There is hereby created a Department of Human Resources of the City of Mt. Vernon and the Office of Director of Human Resources.

B. The Director of Human Resources shall be appointed by the City Manager and shall be subject to the direction and supervision of 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. The Director of Human Resources shall have the following duties and responsibilities:

1. Handle administrative duties concerning the Department of Human Resources for the City of Mt. Vernon.
2. Prepare and administer annual budget for the Department of Human Resources and submit yearly a fiscal proposed budget to the Office of the City Manager.
3. Prepare and maintain records of the activities of the Department of Human Resources.
4. Provide reports as to matters relating to the Human Resources of the City to the City Manager and Council.
5. Possess knowledge of Human Resource information and laws; implement Human Resource laws and monitor the City's compliance with Human Resource laws.
6. Administer and coordinate hiring for City employment except the City Manager, Department Heads, and employees subject to the jurisdiction of the Board of Fire and Police Commissioners, including but not limited to posting new jobs internally,

advertising new positions, preparing, receiving, and maintaining job applications, verifying references, conducting, coordinating background and credit checks of prospective employees, and interviewing, testing and recommending applicants to the City Manager.

7. Coordinate and administer drug testing policies of the City.

8. Process and maintain Personnel Action Reports of employees, and maintain official personnel files for each employee of the City.

9. Assist, conduct, and participate in negotiations with union organizations representing City employees.

10. Coordinate and implement training programs and activities of employees.

11. Insure compliance with Workmen Compensation laws and maintain records relating thereto.

12. Perform such other duties as directed or assigned by the City Manager.

SECTION 2.9; FAIR HOUSING REGULATIONS AND FAIR HOUSING BOARD

Sub-Section 1. Declaration of Policy:

A. In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the peace, health, safety and general welfare of all the inhabitants of the City may be protected and insured; it is hereby declared the policy of the City of Mt. Vernon, Illinois to assure equal opportunity to all residents, regardless of race, religion, national origin or ancestry, to live in decent, sanitary, and healthful living quarters.

B. It is further declared to be the policy of the City that no owner, lessee, sublessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease, or otherwise control any housing accommodation, within the City, or any agent of any of these, should refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations because of the race, religion, national origin or ancestry of such person or persons or discriminate against any person because of his race, religion, national origin or ancestry in the terms, conditions, or privileges of the sale, rental or lease of any housing accommodation or in the furnishing of facilities or services in connection therewith.

C. In furthering the policy of the City of Mt. Vernon, this Council and its Commission on Human Relations shall endeavor to work with, and cooperate with Real Estate Associations, individual members thereof, lending institutions, and all others engaged in dealing with housing accommodations in the City, in a spirit of harmony, to the end that the declared purpose of this ordinance be accomplished in an orderly, lawful, and proper fashion.

Sub-Section II. Definitions:

As used in this ordinance, unless a different meaning clearly appears from the context, the following terms shall have the meaning ascribed in this section:

- (a) Discriminate. The terms “discriminate” or “discrimination mean any difference in the availability of, or the terms of, the sale, exchange, lease, rental, or financing for housing

accommodations to any person in regard to such sale, exchange, rental, lease or finance, because of the race, religion, national origin or ancestry of such person.

- (b) Housing Accommodation. The term "housing accommodation" includes any standard building, structure, or portion thereof which is used or occupied, or is maintained, arranged, or designed to be used or occupied as a home, residence, or sleeping place of one or more human beings, or any real estate so used, designed, or intended for such use.
- (c) Real Estate Broker. The term "real estate broker" means any natural person, partnership, association, corporation or agent, thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents or negotiates for the sale, purchase, exchange of rental of a housing accommodation of another, or collects rental for the use of a housing accommodation of another.
- (d) Owner. An "owner" means any person holding title to any housing accommodation, such owner's authorized representative, or any person in control of any housing accommodation.

Sub-Section III. Prohibited Acts:

It shall be unlawful for any owner of real estate, lessee, sublessee, real estate broker or salesman, financial institution, advertiser, or agent of any of the foregoing, to discriminate against any other person because of the race, religion, national origin or ancestry or such other person or the friends or associates of such other persons, in regard to the sale, exchange, or rental of, or any dealing concerning any housing accommodation.

Without limiting the foregoing, it shall also be unlawful for any real estate broker, real estate salesman or agent, owner or other person, or lending institution dealing with housing in the City:

- (a) To discriminate against any person in the availability of, or the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any housing accommodation in the City or in the furnishing of any facilities or services in connection therewith.
- (b) To publish or circulate, or cause to be published or circulated, any notice, statement of advertisement, or to announce a policy, or to use any form of application for the purchase, lease, rental or financing of real estate used for residential purposes which indicates racial preference.
- (c) To exploit or overcharge any person for housing accommodations because of race, religion, national origin or ancestry.
- (d) To discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair

or maintenance of any housing accommodation.

- (e) To solicit for sale, lease, or listing for the sale or lease, or any housing accommodation of the ground of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, religion, national origin or ancestry.
- (f) To distribute or cause to be distributed, written material or statements designed to induce any owner of any Housing Accommodation to sell or lease his or her property because of any present or prospective change in the race, religion, national origin or ancestry of persons in the neighborhood.
- (g) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation for the purpose of induction or attempting to induce the sale or listing for sale of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, religion, national origin or ancestry in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

Sub-Section IV. Fair Housing Board:

There is hereby created a Fair Housing Board which shall consist of five members from the community at large, one or more with experience as real estate brokers, in finance, or other housing related fields. Members shall be appointed and be removable for cause by the Mayor, with consent of the Council. In the first instance, one member shall be appointed for a term of three years, two for a term of two years, and two for a term of one year. Thereafter each member appointed shall serve for a term of three years. The Mayor shall designate one of the members of the Board to be its Chairman. Any three members of the Board shall constitute a quorum.

Sub-Section V. Duties of the Fair Housing Board:

It shall be the duty of the Fair Housing Board to:

- (a) Receive or initiate, record, and investigate complaints charging any violation of this ordinance.
- (b) Seek conciliation of parties involved in such complaints by conciliation conferences, holding a hearing where necessary, making findings of fact, issuing recommendations to solve any problems.

Sub-Section VI. Enforcement Procedure:

- (a) The Fair Housing Board shall adopt such rules and regulations as may be necessary to carry out the purpose and provisions of this ordinance.
- (b) Any person aggrieved in any manner by any violation of any provision of this ordinance may file a written complaint setting forth his grievance with the Fair Housing Board.

Such complaint must be filed within 90 days of the commission of the alleged violation and shall state the name and address of the complainant and of the person against whom the complaint is brought, and shall also state the facts surrounding the alleged violation.

- (c) The Fair Housing Board shall investigate every such complaint thus filed. If the Fair Housing Board determines that the party complained against has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint. If the Fair Housing Board determines, after such investigation, that probable cause for the complaint exists, the Fair Housing Board shall set a date for a conciliation hearing. At such hearing, the Fair Housing Board shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by all proper methods of conciliation and persuasion. If such attempts at conciliation are not successful within sixty days after the date of filing of the complaint, the Fair Housing Board shall then proceed promptly with a formal hearing of the complaint.
- (d) Such formal hearing shall be conducted by the Fair Housing Board upon due and reasonable notice to all parties. The Fair Housing Board shall have full power to subpoena witnesses and pertinent documents, which power may be enforced by the Fair Housing Board by proper petition to any court of competent jurisdiction. The Fair Housing Board shall have power to administer oaths and to take sworn testimony. At the conclusion of the hearings, the Fair Housing Board shall render a written report and recommendations which shall be served by mail upon the complainant and the party complained against, No report shall be delayed more than sixty days after date of the issuance of notice for commencement of such formal hearing.
- (e) If, during the course of any proceedings prescribed herein, the Fair Housing Board, on the basis of the evidence before it, concludes that a violation of this ordinance is imminent, it may relay such evidence to the City Council, together with its recommendation that the City Attorney be instructed to seek injunctive relief in any court of competent jurisdiction to prohibit such violation.

Sub-Section VII. Penalty:

- (a) The Fair Housing Board may include as part of its report a recommendation to the City Attorney for prosecution of any person or persons who violate any of the provisions of this ordinance or any rule or regulation adopted by the Fair Housing Board or who fail to comply with an order of the Fair Housing Board.
- (b) Any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to the general penalty provisions of the Revised Code of Ordinances of the City of Mt. Vernon.

SECTION 2.10

- A. There is hereby created the Commission for the Advancement of Programs for the

Handicapped for the City which shall be an agency of City, and shall have the powers and duties prescribed by this ordinance and by the Statutes of the State of Illinois.

B. The Commission shall consist of twelve members, one of whom shall be the Mayor of the City who shall serve as a member of such Commission ex-officio during his term of office. The remaining eleven members shall be appointed by the Mayor with the advice and consent of the City Council.

Initial appointments shall be made of six members for a two year term, and six members for a four year term, and thereafter all appointments shall be for a four year term. In the event of a vacancy, said vacancy shall be filled for the unexpired term by appointment by the Mayor with the advice and consent of the City Council.

C. The Commission shall designate one of its members as Chairman and one of its members as Secretary, and shall have further officers as the Commission shall determine.

D. The Commission shall make an annual report to the corporate authorities not later than May 1 of each year hereafter.

SECTION 2.11: DEPARTMENT OF TOURISM

(a) There is hereby created a Department of Tourism of the City of Mt. Vernon. The Department shall encourage, foster, promote, and stimulate conventions and tourism in the City of Mt. Vernon and shall acquaint and inform the public as to these objectives by providing information and other civic, educational, social, and public features and events we will encourage, foster, promote, and stimulate conventions and tourism in the City of Mt. Vernon. The Department of Tourism shall be under the direction and supervision of the City Manager.

(b) There is further hereby created a Tourism Board which shall serve in an advisory capacity to the City Manager and the City Council in the expenditure of funds and in the operation of the Department of Tourism. The Board shall consist of nine (9) appointed members and three (3) non-voting ex officio members. The nine appointed members shall be appointed by the Mayor with the advice and consent of the City Council and each member shall serve a term of three (3) years, which term shall commence May 1 and expire April 30 three years succeeding; the three year terms shall be staggered so that the terms of three members expire each year. The ex officio members shall be the Mayor of the City of Mt. Vernon, Chairman of the Jefferson County Board, and President of the Jefferson County Chamber of Commerce. All appointed members shall be voting members and a majority of the voting members shall constitute a quorum. Vacancies for appointed Board members shall be filled by appointment for the unexpired term of the vacancy, and a vacancy for an ex officio member shall be filled by the successor in office. Each member shall serve without compensation. Failure of a member to attend three meetings during a calendar year shall subject the non-attending member to removal as a member of the Board upon recommendation of the Mayor and approval by the City Council.

(c) The City Council shall impose a tax upon gross rental receipts from the renting, leasing, or letting of hotel and motel rooms under the provisions of Section 8-3-14 of the Illinois Municipal Code, and all funds received from such tax shall be kept by the City Treasurer in the

City Tourism fund to be used solely for the Department of Tourism.

(d) The Executive Administrator of the Department of Tourism 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.

(e) The Executive Administrator of the Department of Tourism shall have the following duties and responsibilities:

(1) To coordinate, recommend, and implement the Department of Tourism Programs.

(2) To be responsible for supervision, maintenance, and general housekeeping of Department of Tourism facilities under the control of the City of Mt. Vernon.

(3) To act as the Administrative Assistant to the Tourism Board of the City of Mt. Vernon and to keep all records of the Board, minutes of meetings for the Board, and to coordinate activities of the Board with the office of the City Manager.

(4) To be responsible for submitting yearly a fiscal proposed budget to the office of the City Manager.

(5) To handle all administrative duties concerning the Tourism Department for the City of Mt. Vernon as directed by the City Manager.

(6) To provide the Board and the City Manager with all programs of tourism which will be operated under the department.

(7) To act as the City's representative on all tourism matters and related organizations or groups or as directed by the City Manager and to assist and to make recommendations to appropriate civic organizations or groups.

(8) To provide a monthly and annual report of activities, costs, and projected activities to the City Manager and City Council.

(9) To perform such other duties as directed by the City Manager and the City Council.

SECTION 2.12: BUDGET OFFICER

The City of Mt. Vernon, Illinois, hereby adopts the provisions of Sections 8-2-9.1 through 8-2-9.10 inclusive of the Illinois Municipal Code.

There is further hereby provided the office of Budget Officer, who shall be appointed by the City Manager and who shall take oath and post bond as provided in Section 3-14-3 of the Illinois Municipal Code. In the event that no Budget Officer appointed by the City Manager shall hold another municipal office, either elected or appointed, then that person shall not be entitled to receive additional compensation for his duties as such. The Budget Officer shall serve at the

pleasure of the City Manager and shall have the powers and duties described in Sections 8-2-9.1 through 8-2-9.10 inclusive.

The City Council shall make the tentative annual budget conveniently available for public inspection at least ten (10) days prior to its passage, by publication in the general proceedings of the City Council. The Council shall hold at least one public hearing on the tentative annual budget not less than one week after publication of such tentative annual budget.

SECTION 2.13: DEPARTMENT OF ECONOMIC DEVELOPMENT

(a) There is hereby created a Department of Economic Development of the City of Mt. Vernon. The Department shall encourage, foster, promote, and stimulate business and industrial development in the City of Mt. Vernon. The Department of Economic Development shall be under the direction and supervision of the City Manager.

(b) An Executive Administrator of the Department of Economic Development shall have the following duties and responsibilities:

1. To coordinate, recommend, and implement the Department of Economic Development programs.

2. To act as the Chairman of the Mt. Vernon Economic Development Commission, to keep all records and minutes of the Commission, and to coordinate the activities of the Commission with the City Manager.

3. To develop and submit an annual proposed budget for the Department for consideration by the City Manager and City Council.

4. To organize and implement sales and marketing programs consistent with the Commission's goals and objectives.

5. To maintain a data base on available industrial sites and buildings.

6. To organize and implement industrial retention programs consistent with the Commission's goals and objectives.

7. To handle all administrative duties concerning the Department of Economic Development for the City of Mt. Vernon as directed by the City Manager.

8. To provide monthly and annual reports of activities, costs, and projected endeavors to the City Manager and City Council.

(c) There is further hereby created the Mt. Vernon Economic Development Commission for the City of Mt. Vernon which shall be an agency of the City and shall have the powers and duties prescribed by this Ordinance and by the Statutes of the State of Illinois.

The Commission shall serve in an advisory capacity to the City Manager and the City

Council in the operation of the Department of Economic Development and the City's economic development efforts.

The Commission (excluding the non-voting Chairman and non-voting Secretary) shall consist of 21 members. Ten of the 21 members shall serve ex officio, said members being the Mayor and Council of the City of Mt. Vernon, the Chairman of the County Board of Jefferson County, the City Manager of the City of Mt. Vernon, the President of the Greater Jefferson County Chamber of Commerce, the Illinois 54th District State Senator, and the Illinois District 107 State Representative; said ex officio members shall be non-voting members and may attend meetings by an appointed designee. The remaining 11 members shall be appointed by the Mayor of the City of Mt. Vernon with the advice and consent of the City Council. Each term of office shall begin May 1, except that initial appointments shall take effect upon appointment. All appointments shall be for a three year term, except the initial appointment of three members shall expire on May 1, 1996, the initial appointment of the final four members shall expire May 1, 1997, and the initial appointment of four of the final four members shall expire on May 1, 1998. Upon a member's term expiring, the position becomes vacant unless filled by the Mayor with the advice and consent of the Council within 60-days of expiration of the term.

In the event of a vacancy, said vacancy shall be filled for the unexpired term by appointment by the Mayor, with the advice and consent of the City Council.

The Commission may designate one of its members or a non-voting administrative person to serve as Secretary. The Chairman of the Commission shall be the Executive Administrator of the Department of Economic Development; the Chairman shall be nonvoting.

The Commission shall make an annual report to the corporate authorities not later than May 1 of each year hereafter.

SECTION 2.14: TREE BOARD

A. Establishment. There is hereby established a Tree Board which shall serve in an advisory capacity to the City Manager and the City Council its duties and functions are limited to those set forth in this Ordinance.

B. Composition. The Tree Board shall be composed of eight members. Five shall be appointed by the Mayor with the advice and consent of the City Council. These five members shall serve without compensation and shall reside within the City of Mt. Vernon. The Public Works Director, Parks and Public Facilities Director, and the Downtown Mt. Vernon Development Corporation Executive Director of the City of Mt. Vernon shall be the remaining three and shall be ex officio members and shall not vote.

C. Appointment of Members. Each of the five appointed members shall serve a term of two years; which term shall commence May 1 and expire April 30, two years succeeding. The initial appointments shall expire upon April 30, 1995. Vacancies shall be filled by appointment for the unexpired term of the vacancy. The Mayor shall designate the Chairperson of the Tree Board.

D. Duties. The Tree Board shall advise the City Manager and the Council on matters to promote and protect the public health, safety, and general welfare regarding policy for planting, maintaining and removal of trees, shrubs, and other plants on City owned property. Topics under this advice may be given and may include, but are not limited to, the following:

(1) Development, implementation, interpretation, and amendment of a policy for the planting, maintaining, and removal of trees, shrubs, and other plants on City owned property.

(2) Review, alteration, and/or revision of the Mt. Vernon Forestry Plan.

(3) Establishment of educational and informational programs to promote proper planting, maintaining, and removal of trees upon property utilized by the City as a right-of-way for street and/or utility purposes or by other public utilities as a right-of-way.

(4) Review, management, and updating of the City tree inventory.

(5) Recommending budget expenditures and planning goals and priorities regarding purchase of trees and tree services and other financial decisions relating thereto.