Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.02

MAYOR[1]

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2.02.010 Election - Term of office.

The mayor shall be elected for a four-year term, and shall serve until his successor is elected and qualified as is provided by statute. The mayor shall be inaugurated and his term shall commence after the conclusion of old business, if any, at the first regular or special meeting of the corporate authorities in the month of May following the general election in which the mayor is elected.
(Ord. 1983-M-53 § 1 (a): prior code § 1.001.)

2.02.020 Powers and duties.

The mayor shall be the chief executive officer of the city, shall preside over the meetings of the council, and shall perform such duties as may be required of him by statute or ordinance. He shall have supervision over all of the executive officers and employees of the city, and shall have the power and authority to inspect all books and records pertaining to city affairs and kept by any officer or employee of the city at any reasonable time.
(Prior code § 1.002.)

2.02.030 Appointment of officers.

The mayor shall appoint, by and with the advice and consent of the city council, all officers of the city whose election or appointment is not otherwise provided for. Any vacancies occurring in an appointive office shall be filled in the same manner.
(Prior code § 1.003.)

2.02.040 Designation of officers' duties.

Whenever there is a dispute as to the respective duties or powers of any appointed officer of the city, this dispute shall be settled by the mayor after consultation with the city attorney; and the mayor shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty.
(Prior code § 1.004.)

2.02.050 Mayor pro tem.

During a temporary absence or disability of the mayor, the city council shall elect one of its member to act as mayor pro tem, who during such absence or disability shall possess the powers of the mayor, as is provided by statute. If during a temporary absence or disability of the Mayor, the Mayor pro-tem is unable or unwilling to act as Mayor, the then sitting Alderman with the most seniority shall possess the powers of the Mayor. The most senior Alderman shall be defined as that individual sitting on the the City Council at that time with the most continuous years of service. In the event that more than one member of the City Council have equal years of continuous service, the determination as to who shall act shall be made by the toss of a coin.
(2015-M-29 § 2; Prior code § 1.005.)

2.02.060 Acting mayor.

In the event of a vacancy in the office of the mayor, the council may appoint one of the members as acting mayor to serve until the vacancy is filled at a regular or special election as provided by law.
(Prior code § 1.007.)

2.02.070 City representative at formal occasions.

The mayor shall act for and on behalf of the city on formal occasions and receptions; but in his absence or inability to attend any such function the council may select any other city officer to so act.
(Prior code § 1.007.)

2.02.080 Bond required.

Before entering upon the duties of his office, the mayor shall execute a bond in such amount and with such sureties as may be required by the council, conditioned upon the faithful performance of the duties of his office; provided, the amount of such bond shall not be less than Three Thousand Dollars ($3,000.00). (Prior code § 1.008.)

2.02.090 Salary and compensation.

The salary of the mayor is fixed as follows: The mayor shall receive a base salary of Seventeen Thousand Five Hundred and no/100ths ($17,500.00) Dollars per year for attendance at City Council meetings, Committee meetings, and for all such other mayoral duties.
(Ord. 2000-M-92 § 1; Ord. 1996-M-68 § 1; Ord. 1977-M-18 § 1.)

Chapter 2.04

CITY COUNCIL[2]

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2.04.030	Special meetings.
2.04.040	Aldermen - Salary.
2.04.050	Quorum.
2.04.060	Mayor as presiding officer - Deciding vote.
2.04.070	Ordinances, resolutions and motions - Approval - Veto.
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2.04.010 Election - Terms of office - Powers and duties.

The members of the City Council shall be elected and serve for a four-year term. The term of the members of the City Council shall commence after the conclusion of old business, if any, at the first regular or special meeting of the corporate authorities in the month of May following receipt of certified election results for the local election authority. The council shall be the legislative division of the city government and shall perform such duties and have such powers as may be authorized by statute.
(Ord. 2007-M-15 § 1; Ord. 1983-M-53 § 1 (b): prior code § 2.101.)

2.04.020 Meetings - Time and place.

The regular meetings of the City Council shall be held at the St. Charles Municipal Center on the first and third Mondays of every month at the hour of seven (7:00) o'clock p.m., provided that if the regular meeting falls on a Federal holiday, listed as follows, the meeting shall take place on the next secular day at the same hour:

- the 1st day of January, commonly called New Year's Day;
- the 3rd Monday in January, commonly known as Martin Luther King Jr. Day;
- the 3rd Monday in February, commonly known as Presidents' Day;

- the 4th day of July, commonly known as Independence Day (as observed);
- the 1st Monday in September, commonly known as Labor Day;
- the 11th day of November, commonly known as Veterans Day;
- the 25th day of December, commonly called Christmas Day (as observed);

When any such holidays fall on Sunday, the Monday next following shall be held and considered such holiday. Adjourned meetings may be held at such time as the City Council may determine.
(Ord. 2011-M-2 § 1; Ord. 2004-M-11 § 1; Ord. 2000-M-24 § 1; Ord. 1988-M-106 § 1; Ord. 1986-M-2; Ord. 1975-M-18: prior code § 2.102.)

2.04.030 Special meetings.

Special meetings of the council may be called by the mayor or three aldermen; provided, that a written notice of such meeting shall be given to each member of the council at least forty-eight hours before the time set for the meeting; provided further, that in case all of the elected members of the council are present at any regular meeting, then the requirement of notice shall be unnecessary and shall be deemed waived.
(Prior code § 2.103.)

2.04.040 Aldermen - Salary.

Each alderman that is elected and takes office on or after April 3, 2001, shall be paid a salary of One Hundred Seventy-Five and no/100ths ($175.00) Dollars for each regular, special or adjourned Council meeting as required by law.
(Ord. 2016-M-1 § 1; Ord. 2000-M-91 § 1; Ord. 1996-M-68 § 2; Ord. 1990-M-56 § 1; Ord. 1987-M-28 § 1; Ord. 1982-M-45 § 1; Ord. 1977-M-1 § 1.)

2.04.050 Quorum.

A majority of the aldermen or one-half the aldermen and the mayor shall constitute a quorum thereof, but a smaller number may meet to adjourn from time to time or to compel attendance of absentees.
(Prior code § 2.104.)

2.04.060 Mayor as presiding officer - Deciding vote.

The mayor shall preside at all meetings of the city council. He shall not vote on any ordinance, resolution or motion, except:

A. Where the vote of the aldermen has resulted in a tie; or
B. Where one-half of the aldermen elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote; or
C. Where a vote of greater than a majority of the corporate authorities is required by state statute to adopt an ordinance, resolution or motion.

In each instance specified, the mayor shall vote. Nothing in this section shall deprive an acting mayor or mayor pro tem from voting in his capacity as alderman, but he shall not be entitled to another vote in his capacity as acting mayor or mayor pro tem.
(Ord. 1978-M-32 § 1: prior code § 2.105.)

2.04.070 Ordinances, resolutions and motions - Approval - Veto.

All resolutions and motions which:

A. Create any liability against a city; or
B. Provide for the expenditure or appropriation of its money; or
C. Sell any city property;

and all ordinances, passed by the city council, shall be deposited with the city clerk. If the mayor approves of them, he shall sign them. Those of which he disapproves he shall return to the city council, with his

written objections, at the next regular meeting of the city council occurring not less than five days after their passage. The mayor may disapprove of any one or more sums appropriated in any ordinances, resolution, or motion making an appropriation, and if so, the remainder shall be effective. However, the mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of his signature.
(Prior code § 2.106.)

2.04.080 Ordinances, resolutions and motions - Reconsideration - Passing over veto.

Every resolution and motion specified in Section 2.04.070, and every ordinance, which is returned to the city council by the mayor, shall be reconsidered by the city council. If, after such reconsideration, two-thirds of all the aldermen elected to the city council agree to pass an ordinance, resolution, or motion, notwithstanding the mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the mayor's veto shall be by yeas and nays, and shall be recorded in the journal.
(Prior code § 2.107.)

2.04.090 Standing committees - Designated.

The following shall be the standing committees of the city council:

A. Planning and Development Committee. The planning and development committee shall include and pertain to planning and development matters, zoning/annexation/boundary lines, building code enforcement, zoning map, comprehensive plan, land/cash ordinance, economic development and downtown redevelopment.

B. Government Operations Committee. The government operations committee shall include and pertain to the municipal code, all legal suits or questions, liquor licenses, personnel manual, labor negotiations, safety manual/programs for employees, all financial matters, budgets, IRB's, bonding, insurance matters, inventory control and purchasing;

C. Government Services Committee. The government services committee shall include and pertain to police, fire, emergency services, traffic studies, youth safety, requests for community festivals, mosquito abatement, permits for fairs/carnivals, circuses, hot air balloon/seaplane landing permits, the sewer and water utility, the electric utility, all municipal property and buildings, all infrastructure within city jurisdiction (inclusive of curbs and gutters, streets, sidewalks, sewers, water lines, parking lots, etc.) all stormwater management (special service areas or otherwise), transportation matters and all public property sales.

(Ord. 1997-M-55 § 1; Ord. 1993-M-53 § 1; Ord. 1991-M-48 § 1; Ord. 1989-M-72 § 1; Ord. 1989-M-60 § 1; Ord. 1985-M-89 § 1; Ord. 1980-M-14 § 1.)

2.04.095 Standing Committees - Special Meetings.

Special meetings of a standing committee may be called by the committee chairman or a majority of the committee members; provided, that a written notice of such meeting shall be given to each member of the committee at least forty-eight hours before the time set for the meeting, except in cases of emergency as determined by the committee; and provided further, that in case all of the elected members of the committee are present at any such special meeting, then the requirement of written notice to such committee members shall be unnecessary and shall be deemed waived.
(Ord. 1994-M-50 § 1.)

2.04.100 Special committees appointed by mayor.

The mayor shall appoint such special committees as he may deem necessary or as may be directed by the council.
(Prior code § 2.109)

2.04.110 Membership in committees.

The mayor with the advice and consent of the city council shall appoint the chairpersons of the standing and special committees. All standing committees shall consist of not less than ten members elected to the city council. Each chairperson shall select a vice-chairperson from the committee to act as chairperson. The chairperson of a committee shall serve for one year and may succeed to a term of no more than one additional year.
(Ord. 2016-M-1 § 1; Ord. 1997-M-55 § 2; Ord. 1993-M-39 § 1; Ord. 1989-M-45 § 1; Ord. 1989-M-33 § 1; prior code § 2.110.)

2.04.120 Recordkeeping.

The city clerk shall keep the minutes and records of the council proceedings.
(Prior code § 2.111.)

2.04.130 Disturbance of meetings prohibited.

It is unlawful to disturb any meeting of the city council or of any committee thereof, or to behave in a disorderly manner at any such meeting. Any person violating any provision of this section shall be fined not less than ten dollars nor more than one hundred dollars for each offense.
(Prior code § 2.112.)

2.04.140 Order of business at meetings.

The order of business at meetings of the city council shall be as follows:

A. Call to order;
B. Invocation;
C. Pledge of Allegiance;
D. Roll call;
E. Omnibus Vote;
F. Presentation and approval of minutes of preceding meeting(s);
G. Monthly reports;
H. Old business;
I. New business;
J. Committee reports,
    1. Government Operations Committee,
    2. Government Services Committee,
    3. Planning and Development Committee,

K. Additional items from mayor, council members or citizens;
L. Adjournment.

(Ord. 2016-M-1 § 1; Ord. 1997-M-55 § 3; Ord. 1988-M-40 § 1; Ord. 1980-M-15 § 1.)

2.04.145 Omnibus vote.

At any meeting the city council may by unanimous consent take a single vote by yeas and nays on the several questions of the passage of any two or more of the designated ordinances, orders, resolutions or motions placed together for voting purposes in and under the designation "omnibus vote," and in such event the clerk may enter the words, "omnibus vote" in the journal in each case in lieu of entering the names of the members of the city council voting "yea" and of those voting "nay" on the passage of each of the designated ordinances, orders, resolutions and motions included in such omnibus group. The taking of such single or omnibus vote and such entries of the words "omnibus vote" in the journal shall be a sufficient compliance with the provisions of the St. Charles Municipal Code for all intents and purposes and with like effect as if

the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution and motion including in such omnibus group, and separately recorded in the journal. Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any alderman and shall be recorded in the journal.
(Ord. 1988-M-40 § 1; Ord. 1979-M-9 § 1: prior code § 2.208(part).)

2.04.147 Items not on agenda.

The city council shall not consider items not generally set forth in the agenda for the council meeting unless there is the consent of two-thirds of the members present at that meeting. The city council's failure to observe this provision shall not invalidate any action taken by the council.
(Ord. 1979-M-45 § 1: prior code § 2.208(part).)

2.04.150 Rescinded action.

No vote or action of the city council shall be rescinded at any special meeting unless there is present at such special meeting as many members of the council as were present at the meeting when such vote or action was taken, as provided by statute.
(Prior code § 2.202.)

2.04.160 Resolutions - Required in writing when.

Any resolution submitted to the city council shall be reduced to writing before being voted upon, at the request of any two members of the council.
(Prior code § 2.203.)

2.04.170 Addressing meetings.

Delete in its entirety.
(Ord. 2016-M-1 § 1)

2.04.180 Suspension of rules.

The rules of order, other than those prescribed by statute, may be suspended at any time by consent of a majority of the members present at any meeting.
(Prior code § 2.205.)

2.04.190 Robert's Rules of Order.

Except when in conflict with the foregoing provisions, Robert's Rules of Order shall govern the deliberations of the council.
(Prior code § 2.206.)

2.04.200 Meetings open to public.

All meetings of the city council at which any legal action is taken shall be open to the public.
(Prior code § 2.207.)

Chapter 2.06

CITY CLERK[3]

Sections:

2.06.010	Election - Term of office.
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2.06.030	Bond required.
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2.06.050	Money collected - Transfer to city treasurer.
2.06.060	Account keeping.
2.06.070	Recordkeeping.
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2.06.090	Custodian of city documents.
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2.06.140	Deputy clerk - Appointment - Powers and duties.
2.06.145	City Clerk - Salary

2.06.010 Election - Term of office.

The city clerk shall be elected as provided by statute, and shall serve until his successor is elected and qualified. The term of the city clerk shall commence after the conclusion of old business, if any, at the first regular or special meeting of the corporate authorities in the month of May following the general election in which he is elected.

(Ord. 1983-M-53 § 1(c): prior code § 4.001.)

2.06.020 Vacancy filling.

In case the office of city clerk becomes vacant for any reason, the mayor and city council shall appoint a successor as provided by statute.

(Prior code § 4.011.)

2.06.030 Bond required.

Before entering upon the duties of his office, the city clerk shall execute a bond in such amount and with such sureties as may be required by the council, conditioned upon the faithful performance of his duties.

(Prior code § 4.002.)

2.06.040 Signature required on city documents.

The city clerk shall seal and attest all contracts of the city, and all licenses, permits and other documents which require this formality.

(Prior code § 4.003.)

2.06.050 Money collected - Transfer to city treasurer.

The city clerk shall turn over all money received by him, on behalf of the city, to the finance department, promptly on receipt of the same; and with such money he shall give a statement as to the source of it.
(Ord. 2016-M-1 § 2; Prior code § 4.004.)

2.06.060 Account keeping.

The city clerk shall keep accounts showing all money received by him and the source and disposition of same; and such other accounts as may be required by statute or ordinances.
(Prior code § 4.005.)

2.06.070 Recordkeeping.

In addition to the record of ordinances and other records which the clerk or delegate is required by statute to keep, they shall keep a register of all licenses and permits issued, and a record of the payment thereon; they shall keep a record showing all of the officers and regular employees of the city, and such other records as may be required by the council. The format of these records is to be determined by the clerk or their delegate.
(Ord. 2016-M-1 § 2; Prior code § 4.006.)

2.06.080 Custodian of city seal.

The clerk shall be the custodian of the city seal and shall affix its impression on documents whenever this is required.
(Prior code § 4.007.)

2.06.090 Custodian of city documents.

The clerk shall be the custodian of all documents belonging to the city which are not assigned to the custody of some other officer.
(Prior code § 4.008.)

2.06.100 Maintenance of index to documents and records.

The clerk shall keep and maintain a proper index to all documents and records kept by him, so that ready access thereto and use thereof may be had.
(Prior code § 4.009.)

2.06.110 Election duties.

The city clerk shall conduct all elections held by the city and perform all such duties in connection therewith as prescribed by the statutes of the state and the city ordinances.
(Prior code § 4.014.)

2.06.120 Issuance of commissions.

Deleted in its entirety.
(Ord. 2016-M-1 § 2)

2.06.130 Additional duties.

In addition to the duties provided in this chapter, the clerk shall perform such other duties and Function as may be required by statute or ordinance.
(Prior code § 4.010.)

2.06.140 Deputy clerk - Appointment - Powers and duties.

A. There is created the office of deputy clerk. The city clerk is authorized to appoint a deputy clerk, by and with the advice and consent of the city council, who shall have the power and duty to execute all documents required by any law or ordinance to be executed by the clerk, and affix the seal of the city thereto whenever required.

B. When signing any document, the deputy clerk shall sign the name of the city clerk followed by the word "by" and the deputy clerk's own name and the word "Deputy Clerk."

C. The powers and duties described in this section shall be exercised by such deputy clerk only in the absence of the city clerk from his office in the city hall, and only when either written consent has been given by the city clerk to exercise such power, or the city council has determined by resolution that the city clerk is temporarily or permanently incapacitated to perform such function.

D. Such deputy clerk shall have the authority and power described in this section, and such further power and authority as may be provided by statute.

E. In the event of the temporary or permanent incapacity of both the City Clerk and Deputy Clerk, the staff officer designated as acting City Administrator shall have that authority and power described in this section and such further power and authority as may be provided by statute.

(Ord. 2004-M-70 § 1; Prior code § 4.012.)

2.06.145 City Clerk - Salary.

The city clerk that is elected in the general municipal election on April 3, 2001, after taking office on May 6, 2001, shall be paid a salary of Four Thousand Five Hundred and no/100ths ($4,500.00) Dollars per year for attendance at City Council meetings and the performance of other duties prescribed by statute and ordinance.

(Ord. 2016-M-1 § 2; Ord. 2000-M-90 § 1; Ord. 1996-M-68 § 3; Ord. 1989-M-8 § 1; Ord. 1987-M-27 § 1.)

Chapter 2.08

CITY TREASURER[4]

Sections:

2.08.010	Election - Term of office.
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2.08.030	Duties generally.
2.08.040	Deposit of funds.
2.08.050	Recordkeeping.
2.08.060	Account keeping.
2.08.070	Reports required.
2.08.080	Register of warrants.
2.08.090	City Treasurer - Salary.

2.08.010 Election - Term of office.

The city treasurer shall be elected and serve for a four-year term and until his successor is qualified, as is provided by statute. The term of the city treasurer shall commence after the conclusion of old business, if any, at the first regular or special meeting of the corporate authorities in the month of May following the general election in which he is elected.
(Ord. 1983-M-53 § 1(d): prior code § 5.001.)

2.08.020 Bond required.

The city treasurer shall give bond in such sum as may be required by the city council, but the bond shall be an amount of money that is not less than three times the latest federal census population, or any subsequent census figure used for motor fuel tax purposes, with sureties to be approved by the council. The bond shall be conditioned upon the faithful performance by the city treasurer of the duties of his office, and to indemnify the city for any loss due to any neglect of duty or wrongful act on the part of the city treasurer.
(Ord. 1978-M-24: prior code § 5.002.)

2.08.030 Duties generally.

The city treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid into the city, either directly from the person paying it or from the hands of such other officer or employee as may receive it, and he shall pay out money only on vouchers or orders properly signed by the city clerk and the mayor.
(Prior code § 5.003.)

2.08.040 Deposit of funds.

The city treasurer shall deposit the city funds in such depositories as may be selected from time to time as is provided by statute, and he shall keep the city money separate and distinct from his own and shall not intermingle his own money with it or make private or personal use of city funds.
(Prior code § 5.004.)

2.08.050 Recordkeeping.

The city treasurer shall keep records showing all money received by him, the source from which it was received, and the purpose for which it was paid out; and he shall keep a record showing at all times the financial status of the city.
(Prior code § 5.005.)

2.08.060 Account keeping.

The city treasurer shall keep such books and accounts as may be required by the city council, and shall keep them in the manner required by the council.
(Prior code § 5.006.)

2.08.070 Reports required.

The city treasurer shall make monthly reports to the city council showing the state of the finances of the city, and the amounts received and spent during the month, which reports shall be filed; and he shall make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the city and his transactions as treasurer during the preceding year.
(Prior code § 5.007.)

2.08.080 Register of warrants.

The city treasurer shall keep a register of all warrants, bonds or orders filed with him or paid by him, and all vouchers, as is required by statute.
(Prior code § 5.008.)

2.08.090 City Treasurer - Salary.

The city treasurer that is elected in the general municipal election on April 3, 2001, and takes office on or after May 6, 2001, shall be paid a salary of One Thousand Eight Hundred and no/100ths ($1,800.00) Dollars per year for attendance at City Council meetings and the performance of other duties prescribed by statute and ordinance.
(Ord. 2016-M-1 § 3; Ord. 2000-M-89 § 1; Ord. 1999-M-92 § 1.)

Chapter 2.10

APPOINTIVE OFFICERS[5]

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2.10.010 City attorney - Appointment.

The city attorney shall be appointed annually by the mayor with the advice and consent of the city council.

(Ord. 1977-M-24 § 1 (part): prior code § 6.101.)

2.10.020 City attorney - Compensation.

The city attorney shall be paid a retainer, as prescribed from time to time by the mayor and city council for routine services and legal advice to the city and shall be paid a reasonable fee for all other legal services performed by him for the city at the request of the mayor and council.

(Ord. 1977-M-24 § 1 (part): prior code § 6.102.)

2.10.030 City attorney - Appointment of additional legal counsel.

The mayor and the city council with the advice of the city attorney may for specific legal actions appoint additional legal counsel with the duties and compensation specified in the appointment.

(Ord. 1977-M-24 § 6.103.)

2.10.040 City attorney - Legal proceedings.

The city attorney shall prosecute, enforce and defend all legal proceedings to which the city or any of its officials or employees may be a party in their official or employment capacity.
(Ord. 1977-M-24 § 1 (part): prior code § 6.104.)

2.10.050 City attorney - Legal documents.

The city attorney shall draft or supervise the drafting of any legal document to which the city is a signatory.
(Ord. 1977-M-24 § 1 (part): prior code § 6.105.)

2.10.060 City attorney - Scope of service.

Within two weeks after appointment, the city attorney shall file in the office of the mayor a statement outlining the scope of service for which he is paid a retainer, and a general schedule of charges for services outside that scope.
(Ord. 1977-M-24 § 1 (part): prior code § 6.106.)

2.10.070 Staff officers - Positions designated.

The staff of the city may comprise:

A. City Administrator
B. Director of Public Works
C. Director of Finance (insurance services/comptroller/budget officer)
D. Director of Human Resources
E. Director of Information Systems
F. Director of Community and Economic Development

(Ord. 2013-M-78 § 1; Ord. 2007-M-31 § 1; Ord. 1997-M-108 § 1; Ord. 1997-M-67 § 1; Ord. 1997-M-27 § 1; Ord. 1986-M-63 § 1; Ord. 1984-M-13 § 1; Ord. 1983-M-7 § 1 (part); Ord. 1982-M-35 § 1 (part); Ord. 1979-M-32 § 1 (part); Ord. 1978-M-2 § 1(a); Ord. 1977-M-24 § 1 (part): prior code § 6.201.)

2.10.080 Staff officers - Appointment.

The staff officers shall be recommended for appointment by the City Administrator and appointed annually by the Mayor with the advice and consent of the City Council.
(Ord. 2008-M-5 § 1; Ord. 1979-M-32 § 1 (part); Ord. 1977-M-24 § 1 (part): prior code 6.202.)

2.10.090 Staff officers - Ex officio duties.

In the absence of a staff member due to illness, vacation, death, emergency, or otherwise, the City Administrator may appoint a temporary staff member during such absence for a period not to exceed 12 months.
(Ord. 2008-M-5 § 1; Ord. 1977-M-24 § 1 (part): prior code 6.401.)

2.10.100 Staff officers - Bonds.

Staff members shall be bonded from time to time as prescribed by the city council.
(Ord. 1977-M-24 § 1 (part): prior code § 6.402.)

2.10.110 Staff officers - Reassignment of duties.

Wherever state or federal statute, rule or regulation, ordinance of the city, agreement of the city, or recorded or unrecorded document of any sort prescribes duties or action to be taken by a specific titled officer which title does not appear in this chapter, the duties or action so described shall devolve upon the officer whose duties shall most nearly be commensurate therewith. In case of disagreement, the City Administrator shall decide and make an assignment accordingly.

(Ord. 2008-M-5 § 1; Ord. 1977-M-24 § 1 (part): prior code § 6.403.)

2.10.120 Staff officers - Duties and responsibilities generally.

A. The duties and responsibilities of the staff officers are as set forth in this chapter and as from time to time established by the City Administrator.

B. There shall be maintained in the Human Resources Department a job description generally setting forth job responsibilities and qualifications required for appointment to staff officers.

(Ord. 2008-M-5 § 1; Ord. 1977-M-24 § 1 (part): prior code Ch. 6 Art. III (part).)

2.10.125 City Administrator - Responsibilities

The position of City Administrator is hereby created. The City Administrator shall be chosen on the basis of executive and administrative qualifications with special reference to actual experience in, and knowledge of, accepted practices with respect to the duties of his or her employment as set forth herein and in the job description as established from time to time by the Mayor and City Council. At the time of such appointment, the City Administrator need not be a resident of the city, but shall reside within the city limits within twelve (12) months of appointment.

The City Administrator shall be the chief administrative officer of the city. Nothing set forth in this section shall give the City Administrator powers not permitted by professional ethics and standards. He or she shall be responsible to the Mayor and city council for the proper administration of the affairs of the city, and shall have the following powers:

A. To enforce the ordinances of the city.

B. Supervise and coordinate the work of all departments of the city.

C. Recommend appointment, discipline and removal of staff officers of the city who are appointed by the Mayor pursuant to city ordinances, and, as to removal or suspension, when such removal or suspension will be consistent with the best interests of the city.

D. Supervise and assist the appointed staff officers of the city. All appointed staff officers shall perform their duties subject to the direction of the City Administrator, except as otherwise provided or required by statute or city ordinance.

E. Supervise and assist all staff officers of the city in the performance of their respective duties. All staff officers and employees of the city shall furnish and disclose to the City Administrator such oral or written information and material relating to the affairs of the city as he or she shall request.

F. Attend all meetings of the city council unless excused by the city council. The City Administrator shall have the right to take part in the discussion of all matters coming before the city council and shall make recommendations on all matters under his or her purview, but shall have no right to vote. The City Administrator shall be entitled to notice of all regular and special meetings of the city council.

G. Investigate all complaints in relation to matters concerning the administration, operation and activities of the government of the city and services maintained by the public utilities in the city and see that all franchises, permits and privileges granted by the city are faithfully observed.

H. Provide or cause to be provided administrative support to all city boards and commissions and make recommendations to the city council and boards and commissions relating to matters of public health, safety or welfare, economic development or general public improvements. Said duties shall not supersede any authorities vested with the city council, boards or commissions under the state or city ordinance.

I. Recommend to the Mayor and city council from time to time, the adoption of such measures as he or she may deem necessary or expedient for the health, safety or welfare of the community and for the improvement of administrative services.

J. Oversee the purchase of all materials, supplies, equipment and services for which funds are provided in the budget according to the directives and mandates of State law and city ordinances.

K. Oversee the determination of the salaries, wages, and hours and conditions of employment of all employees, subject to the approval of Mayor and city council.

L. Hire, suspend, or remove all employees of the city, except those appointed by the Mayor with the advice and consent of the City Council and except those positions covered by state law, or by agreement such as collective bargaining agreements. His/her authority to hire, suspend, or remove all city employees shall take precedence over any conflicting ordinances; provided, however, the procedural steps specified in the conflicting ordinance for suspension or removal shall be followed. The City Administrator may authorize the head of a department or office to hire, suspend or remove an employee or employees in such department or office, in accordance with city personnel policies and procedures.
(Ord. 2008-M-5 § 2.)

M. Oversee the maintenance of current inventory of all real and personal property of the city and the location of such property. He/She shall be responsible for the care and custody of all city property which is not by state law or city ordinance assigned to some other officer or body for care and control.

N. Prepare, or cause to be prepared, a budget report as required by the Illinois Compiled Statutes indicating the funds necessary to defray the estimated expenses of the city for the fiscal year. Prepare, or cause to be prepared, the annual budget in time for consideration and enactment by the city council as required by State law, and prepare, or cause to be prepared, the annual tax levy.

O. Act as business manager for the city under the direction of the Mayor and city council and in cooperation with the Budget Officer, Director of Finance, City Collector, City Treasurer, and City Clerk. He or she shall control and direct all expenditures made by the city. He or she shall before the same is presented to the council for approval, certify as to the correctness of all bills and accounts, and shall have supervision, over the accounting and finance work of the city, and shall keep or cause to be kept, full and complete books of account showing the exact condition of the financial affairs of the city, and shall supervise the keeping of all necessary records to accomplish this to the extent that such supervision is not vested in the Budget Officer, Director of Finance, City Collector, City Treasurer or City Clerk by state statute.

P. The representation of the city in any community or intergovernmental functions as may be directed by the Mayor.

Q. Devote full time to the discharge of his/her official duties and not engage in any other employment without the written consent of the Mayor and city council.

R. Perform other duties as may be required by resolution, ordinance or direction of the Mayor and/or city council.

(Ord. 2006-M-24 § 1; Ord. 1999-M-27 § 1; Ord. 1997-M-27 § 2.)

2.10.130 Director of Public Works - Responsibilities.

The director of public works has the responsibility for the planning, management and operation of all city public works facilities and related facilities including the water, wastewater treatment, laboratory, sewers, electrical transmission and distribution, streets, facilities, trees and vehicles. The director of public works is also responsible for providing management direction to all city engineering projects.
(Ord. 2008-M-5 § 3; Ord. 1997-M-88 § 1; Ord. 1986-M-63 §2; Ord. 1983-M-7 §1 (part); Ord. 1979-M-32 § 1 (part); Ord. 1977-M-24 § 1 (part); Ord. 1985-M-59 § 1 (part): prior code §6.301.).

(Ord. 1997-M-88 § 4; Ord. 1983-M-7 § 1 (part); Ord. 1979-M-32 § 1 (part); Ord. 1977-M-24 § 1 (part): prior code § 6.301-3.)

2.10.185 Director of Human Resources - Responsibilities.

The director of human resources shall be responsible for planning, directing, coordinating and supervising the activities of human resources programs and services which will attract and retain qualified employees and assure the most effective utilization of their time.
(Ord. 1997-M-88 § 6.)

2.10.195 Director of Information Systems - Responsibilities.

The director of information systems is responsible for planning, coordinating and supervising the activities of the information systems group, which includes recommending computer hardware and software acquisitions, directing programming activities, developing computer systems specifications and managing records management activities.
(1997-M-88 § 8.)

2.10.220 Director of Community and Economic Development - Responsibilities.

The Director of Community and Economic Development shall conduct research and propose plans, policies and ordinances relative to the city's growth, development, and housing supply; administer the zoning and subdivision ordinances, building codes, and property maintenance codes in cooperation with other city departments, promote business retention, growth and expansion, and maintain data pertaining to economic development, population demographics, and projected growth. The Director of Community and Economic Development shall also assist the Director of Public Works in planning for transportation, utilities, and other infrastructure.
(Ord. 2013-M-78 § 2; Ord. 2007-M-31 § 2; Ord. 1997-M-88 § 11; Ord. 1983-M-7 § 1 (part); Ord. 1979-M-32 § 1 (part); Ord. 1979-M-24 § 1 (part): prior code § 6.303-1.)

2.10.225 Director of Economic Development - Responsibilities.

Deleted in its entirety.
(Ord. 2013-M-78 § 2; Ord. 2009-M-65 § 1; Ord. 2007-M-31 § 3; Ord. 1997-M-88 § 12; Ord. 1997-M-67 § 2.

Chapter 2.12

OFFICERS AND EMPLOYEES

Sections:

2.12.010	Applicability.
2.12.020	Appointments.
2.12.030	Terms of office - Vacancy filling.
2.12.031	City Administrator - Term of Office.
2.12.035	Deleted in its entirety.
2.12.040	Deleted in its entirety.
2.12.045	Deleted in its entirety.
2.12.050	Bond.
2.12.060	Salary.
2.12.070	Assignment of duties by Mayor.
2.12.080	Moneys received.
2.12.090	Records.
2.12.100	Conservators of peace - Authority to make arrests.
2.12.110	Termination of office - Delivery of city property to successor.
2.12.180	Impersonation of officers prohibited.
2.12.190	Interference with officers prohibited.
2.12.200	Inspections authorized.
2.12.300	Deleted in its entirety.
2.12.310	Deleted in its entirety.
2.12.320	Deleted in its entirety.
2.12.330	Deleted in its entirety.
2.12.340	Deleted in its entirety.
2.12.350	Deleted in its entirety.

2.12.010 Applicability.

The provisions of this chapter shall apply alike to all officers and employees of the City, regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee. (Prior code § 10.101.)

2.12.020 Appointments.

All officers other than elective officers shall be recommended for appointment by the City Administrator and appointed annually by the Mayor with the advice and consent of the City Council; provided that all employees shall, in the absence of any provision to the contrary, be approved by the City Administrator.
(Ord. 2008-M-42 § 1; Ord. 2008-M-5 § 5; Prior code § 10.102.)

2.12.030 Terms of office – Vacancy filling.

Every appointive officer of the City shall hold office until the first day of May following his or her appointment, except for the following:

A. If the City Administrator determines that the appointive officer is not satisfactorily fulfilling the duties of the position, the City Administrator, with approval of the Mayor and City Council, may terminate the appointive officer at any time during the year of appointment.
B. If the appointive officer demonstrates behavior that would be cause for immediate dismissal, the City Administrator, with the approval of the Mayor and City Council, may terminate the appointive officer immediately.

If an appointive officer is terminated prior to the end of his or her term, the Mayor, upon the receipt of a recommendation from the City Administrator, and advice and consent of the City Council, may appoint a new officer prior to May 1. In case of a vacancy in any such place, it shall be filled in the same manner in which appointments or selections are made, in the absence of provision to the contrary.
(Ord. 2008-M-42 § 2; Ord. 2008-M-5 § 5; Prior code § 10.103.)

2.12.031 City Administrator - Term of Office

The term of the office of the City Administrator shall not be longer than the term of the Mayor appointing him or her. The City Administrator may be removed by the Mayor whenever he or she is of the opinion that the interests of the city demand removal, provided, however, the Mayor shall report the reasons for the removal to the City Council at a meeting to be held not less than five (5) nor more than fourteen (14) days after the removal. If the Mayor fails or refuses to report to the city council the reasons for the removal, or if the city council by a two-thirds (2/3) vote of all its members authorized by law to be elected, disapproves of the removal by the Mayor, the City Administrator thereupon shall be restored to the office from which he was removed. The City Administrator may at any time be removed from office without the concurrence of the Mayor by a two-thirds majority of the aldermen authorized by law to be elected unless the City Administrator holds a statutory municipal office wherein he or she serves at the pleasure of the Mayor.

An agreement shall define and explain conditions but may not override, modify, circumvent or subvert or otherwise limit the prerogatives of the Mayor and city council as otherwise set forth in any portion of the St. Charles Municipal Code. Any appointment of an individual to the position of City Administrator is dependent upon the individual's acceptance of the terms of an employment agreement. The term of office of the City Administrator shall not be shorter than one year, unless appointed during the last year of a Mayor's term, nor longer than the term of the Mayor appointing him or her.
(Ord. 1997-M-27 § 3.)

2.12.035 Removal from office.

Deleted in its entirety.
(Ord. 2008-M-63 § 1; Ord. 2008-M-5 § 6; Ord. 1982-M-31 § 1.)

2.12.040 Filling Vacancy.

Deleted in its entirety.
(Ord. 2008-M-63 § 1; Ord. 2008-M-5 § 6; Prior code § 10.105.)

2.12.045 Appointment of Employees.

Deleted in its entirety. (Ord. 2016-M-1§ 5)

2.12.050 Bond.

Every officer or employee shall, if required by the mayor and council, upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the mayor and council, conditioned upon the faithful performance of the duties of his office or position.
(Prior code § 10.109.)

2.12.060 Salary.

All officers and employees of the city shall receive such salary as may from time to time be provided by ordinance, resolution, policy and/or collective bargaining agreement.
(Ord. 2008-M-5 § 8; Prior code § 10.106.)

2.12.070 Assignment of duties by Mayor.

The mayor shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer, and shall determine disputes or questions relating to the respective powers or duties of officers.
(Prior code § 10.107.)

2.12.080 Moneys received.

Every officer of the city shall at least once each month turn over all money received by him in his official capability to the treasurer, with a statement showing the source from which the same was received.
(Prior code § 10.104.)

2.12.090 Records.

All records kept by any officer of the city in an official capacity shall be open to inspection by the mayor or any member of the city council at all reasonable times, whether or not such records are required to be kept by statute or ordinance.
(Ord. 1978-M-28 § 1 (part): prior code § 10.108.)

2.12.100 Conservators of peace - Authority to make arrests.

The mayor, members of the city council, Building Commissioner, as well as every member of the police department, are declared to be conservators of the peace with such powers to make arrests as are given to conservators of the peace by statute, except the Building Commissioner's authority is limited to those violations of ordinances of the city and criminal laws of the state or Illinois relating to zoning, building and plumbing is limited to those violations of ordinances of the city under Title 8, "Health and Safety" of the St. Charles Municipal Code.
(Ord. 2016-M-1§ 5; Ord. 1984-M-13 § 3: prior code § 10.110.)

2.12.110 Termination of office - Delivery of city property to successor.

Every officer and employee of the city, upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the city, and if no successor has been appointed within one week after the termination of office such property shall be delivered to the city clerk or city treasurer.
(Prior code § 10.111.)

2.12.180 Impersonation of officers prohibited.

It is unlawful for any person to impersonate without lawful authority any city officer or employee. Any person violating this section shall be fined not less than one dollar nor more than five hundred dollars for each offense.
(Prior code § 10.113.)

2.12.190 Interference with officers prohibited.

It is unlawful to interfere with or hinder any officer or employee of the city while engaged in the duties of his office or employment. Any person, firm or corporation violating any provision of this section shall be fined not less than one dollar nor more than five hundred dollars for each offense.

(Prior code § 10.114.)

2.12.200 Inspections authorized.

A. Any officer or employee of the city who is authorized to enforce ordinances may make such inspections as may be necessary to see to the enforcement of such ordinances.

B. Whenever such officer or employee has reason to believe that there exists on or in any premises in the city any nuisance dangerous to public health, any fire hazard, any structural defect likely to result in injury to person or property, or any electric wiring or equipment in such condition as to present a fire hazard or danger to persons, he shall ask permission of the occupant of such premises, or the owner or custodian thereof, if the premises are unoccupied, to inspect the same.

(Ord. 1978-M-28 § 1 (part): prior code § 10.115.)

2.12.300 Special Layoff/Separation Benefit (SLSB).

Deleted in its entirety.

(Ord. 2008-M-42 § 3.)

2.12.310 Eligibility for Benefit.

Deleted in its entirety.

(Ord. 2008-M-42 § 4.)

2.12.320 Circumstances of Layoff/Separation.

Deleted in its entirety.

(Ord. 2008-M-42 § 5.)

2.12.330 Payment of SLSB.

Deleted in its entirety.

(Ord. 2008-M-42 § 6.)

2.12.340 Relationship to Other Benefits and Rights.

Deleted in its entirety.

(Ord. 2008-M-42 § 7.)

2.12.350 Enforcing officer.

Deleted in its entirety.

(Ord. 2008-M-42 § 8.)

Chapter 2.14

BOARDS AND COMMISSIONS

Sections:

2.14.010 Applicability.
2.14.020 Removal/Vacancy

2.14.010 Applicability.

This Chapter shall be applicable to all Boards and Commissions provided for in this Title, where Board members or Commissioners are appointed by the Mayor, except to the extent otherwise preempted by law.
(Ord. 2012-M-46 § 1.)

2.14.020 Removal/Vacancy.

Any member of a Board or Commission may be removed by the Mayor for absenteeism, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to respond within 30 days and be heard thereon. Any Board member or Commissioner who is absent from three (3) consecutive regular meetings of the board or commission shall be deemed to have resigned from the Board or Commission, and a vacancy may be declared to exist by the Mayor.
(Ord. 2012-M-46 § 1.)

Chapter 2.15

FIRST STREET PUBLIC SPACE DESIGN COMMITTEE

Repealed in its entirety.
(Ord. 2012-M-46 § 2.)

2.15.010 Establishment. (Repealed)
(Ord. 2007-M-22 § 2.)

2.15.020 Purpose. (Repealed)
(Ord. 2007-M-22 § 2.)

2.15.030 Members - appointment. (Repealed)
(Ord. 2007-M-22 § 2.)

2.15.040 Duties. (Repealed)
(Ord. 2007-M-22 § 2.)

2.15.050 Compensation and Conflicts of Interest. (Repealed)
(Ord. 2007-M-22 § 2.)

2.15.060 Meetings. (Repealed)
(Ord. 2007-M-22 § 2.)

2.15.070 Voting/Quorum. (Repealed)
(Ord. 2007-M-22 § 2.)

2.15.080 Renewal. (Repealed)
(Ord. 2007-M-22 § 2.)

Chapter 2.16

BOARD OF LOCAL IMPROVEMENTS[7]

Repealed in its entirety.
(Ord. 2012-M-46 § 3)

2.16.010 Created - Membership. (Repealed)
(Ord. 1982-M-38 § 1.)

2.16.020 Duties. (Repealed)
(Ord. 1979-M-40 § 1 (part): Ord. 1977-M-20 § 1 (part): prior code § 9.1102.)

Chapter 2.18

BOARD OF ZONING APPEALS[8]

Sections:

2.18.010	Created - Composition - Terms.
2.18.020	Members - Appointment - Removal - Vacancy filling.
2.18.030	Meetings.
2.18.040	Vote required to reverse decisions.
2.18.050	Authority to publish zoning notices.
2.18.060	Jurisdiction and authority.

2.18.010 Created - Composition - Terms.

There is established a zoning board of appeals for the city; said board shall consist of seven members to serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor to each member so appointed shall serve for a term of five years.
(Prior code § 9.301(a).)

2.18.020 Members - Appointment - Removal - Vacancy filling.

All appointments to the zoning board of appeals shall be made by the city council. One of the members so appointed shall be named as chairman at the time of his appointment. The city council shall have the power to remove any member of the zoning board of appeals for cause after public hearing. Vacancies shall be filled by the city council as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of chairman is vacated for any reasons, the city council shall immediately appoint, at its option, either one of the remaining members on the board, or any member who is appointed to fill such vacancy on the board as the new chairman.
(Prior code § 9.301(b).)

2.18.030 Meetings.

All meetings of the zoning board of appeals shall be held at the call of the chairman, and at such other times as the board may determine. All testimony by witnesses at any hearing provided for in this zoning ordinance shall be given under oath. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board shall immediately be filed in the office of the city clerk and shall be of public record.
(Prior code § 9.301(c).)

2.18.040 Vote required to reverse decisions.

The concurring vote of four members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the building commissioner, or to decide in favor of the

applicant on any matter upon which it is authorized by this code to render a decision. The zoning board of appeals shall make no recommendations except in a specific case and after public hearing.
(Prior code § 9.301(d).)

2.18.050 Authority to publish zoning notices.

The zoning board of appeals is designated as the proper commission or committee to post or publish notices as required by statute and this code pertaining to special uses and proposed amendments to the regulations imposed and the districts created by the zoning ordinance of the city, and to make a written report and recommendation to the city council on any such proposed amendments or special uses.
(Prior code § 9.301(e).)

2.18.060 Jurisdiction and authority.

The zoning board of appeals is invested with the following jurisdiction and authority:

A. To hear and decide appeals from any order, requirement, decision, or determination made by the building commissioner under this code;

B. To hear and decide variations from the terms provided in this code in the manner and subject to the standards set forth in this section;

C. To hold public hearings in matters pertaining to applications for special uses and amendments, and submit reports to the city council setting forth its findings and recommendations in the manner prescribed in this section for special uses and amendments; and

D. To hear and decide all matters referred to it or upon which it is required to pass under this code.

(Prior code § 9.302.)

Chapter 2.19

BUILDING REVIEW BOARD

Sections :

2.19.010	Establishment and purpose.
2.19.020	Powers and duties.
2.19.030	Membership-qualifications.
2.19.040	Membership-terms of office.
2.19.050	Compensation and ethics.
2.19.060	Officers.
2.19.070	Conduct of meetings and hearings.
2.19.080	Application for appeals or variations.
2.19.090	Procedures for appeals or variations.

2.19.010 Establishment and purpose.

There is hereby established a Building Review Board ("Board") for the City of St. Charles. The purpose of the Board shall be to facilitate the interpretation and administration of City ordinances governing electric, plumbing, building, fire/life safety and similar regulations of the City ("Building Regulations") and otherwise provide technical guidance to the City Council on matters relating to the same.

2.19.020 Powers and duties.

The Board shall have, exercise and perform the following powers, duties and functions:

A. Receive, process, investigate, hold hearings on, make findings of fact and approve or deny, as hereinafter set forth, appeals ("Appeals") or variations ("Variations") from the requirements of Building Regulations.
B. Upon the request of the City Council or Building or Fire Officials, review Building Regulations and make recommendations to the City Council as to the Amendment thereof.
C. Render a written annual report to the City Council of its activities, and its recommendations, if any, with respect to the enforcement or amendment of any Building Regulation; and to render such reports and recommendations as the City Council may request.
D. Keep a separate file of every Appeal or Variation requested, and keep an accurate record of all its proceedings.
E. Exercise and perform such other and further powers, duties and functions as may be required by City Ordinance.

2.19.030 Membership-qualifications.

There shall be five (5) members of the Board, appointed by the Mayor with the advice and consent of the City Council, who shall be:

A. A registered engineer or architect experienced in building construction.
B. A person experienced in the construction contracting industry.
C. A person experienced in fire suppression.
D. A person with training and/or experience in electrical construction.
E. A person with training and/or experience in plumbing construction.

2.19.040 Membership-terms of office.

A. Except as provided for herein, Members shall be appointed to a term of three (3) years. Of the first five (5) Members of the Board, two (2) Members shall serve from their date of appointment through April 30, 2010, and three (3) Members shall serve from their dates of appointment through April 30, 2011.

B. All future terms shall expire on April 30 of the last year of their respective terms. Members whose terms have expired shall continue to serve until a successor is appointed, except if a Member is removed for cause. A Member who no longer meets the requirements of membership shall no longer remain eligible to serve on the Board and said membership shall be considered vacant. The Mayor, with the advice and consent of the City Council, may fill vacancies in an unexpired term.

2.19.050 Compensation and ethics.

A. No person shall receive compensation for serving as a Member.

B. All Members shall comply with the State Officials and Employees Ethics Act, (5 ILCS 430/1-1 *et seq*.), as adopted by the City.

2.19.060 Officers.

The Board shall elect a chairman and such other officers as it may deem necessary at the first regular meeting in May of each year, or as soon thereafter as may be practicable. In the event of an officer's resignation from that office or from the Board, the Board shall elect a replacement officer as soon as is possible.

2.19.070 Conduct of meetings and hearings.

A. Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine.

B. The Board shall keep minutes of its proceedings, showing the vote of each Member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of all documents submitted to, or relied upon by the Board.

C. Testimony presented at any hearing provided for herein shall be given under oath. The chairman, or in the chairman's absence, the acting chairman, may administer said oath.

D. A majority of the Members then holding office shall constitute a quorum. Final action shall be taken upon measures before the Board with a concurrence of a majority of the Members present, provided a quorum is present.

E. All meetings of the Board shall be open to the public.

F. The Board shall provide for such other and further rules governing the conduct of its meetings as the Board deems necessary and appropriate.

2.19.080 Application for appeals or variations.

A. Any person aggrieved by any administrative action, such as an interpretation or other decision ("Decision") made by a City officer, employee, or department, pertaining to Building Regulations, may Appeal the same by filing an Application. All such Application shall be filed within thirty (30) days of said Decision. Incomplete Applications or Applications filed after said thirty (30) days shall not be considered by the Board.

B. Any person seeking a Variation from the requirements of the Building Regulations shall also make Application to the Board.

C. All Applications shall be filed with the Building & Code Enforcement Division Office on a form provided by the same, which form shall require the following information:

The name, address, and telephone number of the applicant.

1. A short, concise statement of the Decision appealed or Variation requested together with the applicant's basis for the relief requested.
2. A short, concise statement of the circumstances relevant to the Appeal or Variation, including the location of the relevant site.
3. A copy of the Building Regulations relevant to the Appeal or Variation.
4. A two hundred fifty dollar ($250.00) administrative fee.

D. Within fifteen (15) business days after the date of filing of an Application, the City shall determine if any additional legal, technical and staff expenses may be incurred by the City in the course of its consideration and obtain from the applicant a guarantee in a form acceptable to the City.

E. Applications that fail to conform with the requirements of paragraphs (C) and (D) herein shall be deemed incomplete and shall not be considered by the Board.

F. Upon the City Clerk's determination that an Application comports with the requirements of this Chapter 2.19, the Clerk shall forward the same to the Board for consideration.

2.19.090 Procedures for appeals and variations.

A. The Board shall meet and conduct a hearing on the Application no later than forty-five (45) days from the filing thereof, which may be continued from time to time. At said hearing, the applicant, officers, and employees of the City and any other interested person may present relevant evidence or argument pertaining to the relief requested.

B. At the conclusion of hearings pertaining to Appeals, the Board shall sustain, modify, or overrule the Decision. The Board shall modify or overrule a Decision only if it finds that the Decision was in error or otherwise contrary to the requirements of the Building Regulations in the following respect(s):

1. The Building Regulations have been incorrectly applied or interpreted.
2. The unique circumstances of the particular situation clearly warrant a different application or interpretation of the Building Regulations.
3. The applicant has proposed a better standard or method that comports with the intent of the Building Regulations, and offers greater protection of the public health, safety, and welfare.

If the Board finds that the Decision is in full compliance with the Building Regulations, it shall sustain the Decision and deny the Appeal even if it finds such Building Regulation is undesirable. In that event, the Board may recommend to the City Council that the Building Regulations be amended, but it shall not modify or sustain an Appeal as an alternative to such amendment.

C. At the conclusion of hearings pertaining to Variations, the Board shall grant or deny the Variation, and issue a written report of its findings of fact.

(Ord. 2008-M-91 § 2.)

Chapter 2.20

BOARD OF TRUSTEES OF THE FIREMEN'SPENSION FUND OF THE CITY OF ST. CHARLES[9]

Sections:

2.20.010 Created - Composition - Election of members.
2.20.020 Duties.

2.20.010 Created - Composition - Election of members.

There shall be a board of trustees of the firemen's pension fund which shall consist of five members: two members shall be appointed by the mayor, two members shall be active participants of the pension fund who are elected from the active participants of the fund, and one member shall be a retired participant who is elected from retired participants, as provided by statute (*40 ILCS 5/4-121*). The members of the board selected from the active and retired firemen shall be elected at the time and in the manner provided by statute.

(Ord. 2006-M-16 § 2; Ord. 1996-M-53 § 3; Ord. 1978-M-27 § 1 (part): prior code § 9.701.)

2.20.020 Duties.

The board of trustees of the firemen's pension fund shall have control of the management of all funds belonging to or designated by law as part of the firemen's pension fund or the administration of such funds, as provided by statute (*40 ILCS 5/4-122 et seq*.).

(Ord. 1996-M-53 § 4; Ord. 1978-M-27 § 1 (part): prior code § 9.702.)

Chapter 2.24

BOARD OF FIRE AND POLICE COMMISSIONERS[11]

Sections:

2.24.010	Created - Composition.
2.24.020	Members - Appointment - Terms.
2.24.030	Members - Qualifications - Oath - Bond - Removal.
2.24.040	Powers and duties.
2.24.050	Compensation of secretary and members.

2.24.010 Created - Composition.

There is hereby created a Board of Fire and Police Commissioners consisting of five (5) members. They shall be officers of the municipality, as provided by statute.
(Ord. 2014-M-1 § 2; Ord. 2012-M-8 § 1; Ord. 2007-M-114 § 2; Ord. 1978-M-27 § 1 (part): prior code § 9.601.)

2.24.020 Members - Appointment - Terms.

The Board of Fire and Police Commissioners shall be appointed by the Mayor of the City by and with the consent of the City Council. Each member of the Board of Fire and Police Commissioners shall serve for a term of three (3) years beginning on the date of appointment thereof and until their respective successors shall be appointed and qualified. The terms of office shall be staggered so that all members shall not be up for re-appointment at the same time. No such appointments shall be made by the Mayor within thirty (30) days before the expiration of his term of office.
(Ord. 2014-M-1 § 4; Ord. 2007-M-114 § 3; Ord. 1978-M-27 § 1 (part): prior code § 9.602.)

2.24.030 Members - Qualifications - Oath - Bond - Removal.

The members of the Board of Fire and Police Commissioners shall have such qualifications as are now or may hereafter be required of them by law. Each member of the Board of Fire and Police Commissioners shall take oath or affirmation of office, and shall execute and deliver to the city a bond in the sum of one thousand dollars, with such sureties as the mayor and city council shall approve, conditioned upon the faithful performance of the duties of his office. The members of the Board of Fire and Police Commissioners shall be subject to removal from office in the same manner as other officers of the city.
(Ord. 1978-M-27 § 1 (part): prior code § 9.603.)

2.24.040 Powers and duties.

The Board of Fire and Police Commissioners shall have such powers and duties as are now or as may be hereafter given to it by law pursuant to the Municipal Code 65 ILCS 5/1 1 1 et seq. It shall be the duty of the Board to make appointments to Police and Fire Departments of the City where applicable, and said Board shall conduct and hold all entrance and promotional examinations and exercise such other powers and duties as provided by law; and Section 2.24.060, rules and Regulations shall be added to read as follows:
(Ord. 2015-M-10 § 1; Ord. Ord. 2003-M-8 § 1; Ord. 1978-M-27 § 1 (part): prior code § 9.604.)

2.24.050 Compensation of members.

All members of the Board of Fire and Police Commissioners shall serve without pay.
(Ord. 1991-M-46 § 1; Ord. 1978-M-27 § 1 (part): prior code § 9.605.)

2.24.060 Rules and Regulations:

The Board shall publish a set of rules to be known as the Rules and Regulations of the St. Charles, Illinois Board of Fire and Police Commissioners. Said rules are hereby incorporated into and made a part of this Chapter and Ordinance by reference.
(Ord. 2015-M-10 § 1)

ST. CHARLES
SINCE 1834

RULES AND REGULATIONS
OF THE
BOARD OF FIRE AND POLICE COMMISSIONERS
CITY OF ST. CHARLES
STATE OF ILLINOIS

APPROVED by the Board of Fire and Police Commissioners: January 12, 2015

ADOPTED by City Council: February 17, 2015

PUBLISHED: February 23, 2015

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RULES AND REGULATIONS
OF THE
BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE
CITY OF ST. CHARLES
STATE OF ILLINOIS

As approved by the Board of Fire and Police Commissioners of the City of St. Charles, Illinois, and adopted by the City Council of the City of St. Charles, effective February 23, 2015.

CHAPTER I - ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY.

The Board of Fire and Police Commissioners of the City of St. Charles, Illinois derives its power and authority from an Act of the General Assembly entitled, "Division 2.1 Board of Fire and Police Commissioners", of Chapter 65 of the Illinois Compiled Statutes. (65 ILCS 5/10-2.1 et seq.), the City of St. Charles Code and the Home Rule Authority of the City of St. Charles derived from the Illinois Constitution, Article VII, Section 6.

SECTION 2 - DEFINITIONS.

The word "Commission" and/or "Board" wherever used shall mean the Board of Fire and Police Commissioners of the City of St. Charles, Illinois. The word "Officer" shall mean any person holding a permanent office in the Police or Fire Department of the City of St. Charles, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

SECTION 3 - OFFICERS OF BOARD AND THEIR DUTIES.

The Board shall annually, on the first meeting in May elect a Chairman and a Secretary. They shall hold office until the end of the fiscal year of the municipality and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Secretary shall keep the Minutes of all meetings of the Board in a permanent record book and shall be the custodian of all the forms, papers, books, records and completed examinations of the Board.

SECTION 4 - MEETINGS.

a) Regular meetings shall be held monthly, notice shall be posted and meetings shall be open to the public.

b) Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the Secretary of the Board and signed

either by the Chairman of the Board or any two members thereof. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meetings, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board.

c) During any regular or special meeting a closed session may be held upon a proper motion made by any single member of the Board for the purpose of discussing personnel. Closed sessions may be limited to Board members and such invited persons as the Board may deem necessary. The secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session. An audio or video record of each closed session will be maintained by the Secretary of the Board and, after a minimum of 18 months, shall be disposed of in accordance with the provisions of the Open Meetings Act.

d) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, "120/1-120/5.

e) If a member is unable to be physically present at a meeting of the Board, whether it be for health related reasons, the need to conduct personal business or the business of the Board, or due to a personal or family emergency, that member may attend and participate at a Board meeting by telephonic or other electronic means provided that a quorum of the Board's members are physically present at the meeting and vote to approve the attendance of the missing member(s) by way of telephonic or other electronic means. The minutes of the meeting shall reflect, by name, those members of the Board who are physically present as well as those attending by telephonic or other electronic means. Notice that a board member will be in attendance and participating at a Board meeting, not in person but electronically, shall be provided to the Board's recording secretary or the municipal clerk at least 48 hours prior to the scheduled meeting.

f) The agenda for a "Regular Meeting" shall allow for an "Open Forum" to permit individuals to appear before and address their concerns to the members of the Commission. The commission may limit those individuals appearing during the open forum to a presentation not to exceed three (3) minutes and may require an individual to be seated if the individual addresses those present in a disrespectful or discourteous manner or the subject matter being presented is not relevant to the duties and responsibilities of the Fire and Police Commission.

SECTION 5 - QUORUM.

A majority of the members of the Board shall constitute a quorum for the conduct of all business.

SECTION 6 - ORDER OF BUSINESS.

The order of business at any meeting shall be:

a) Call to Order
b) Roll Call
c) Public Forum (Citizen Comments)
d) Approval of Minutes
e) Correspondence
f) Old Business
g) New Business
h) Executive (Closed) Session
i) Adjournment

SECTION 7 - PROCEDURE.

The parliamentary procedure prescribed in Robert's "Rules of Order" shall be followed as far as applicable.

SECTION 8 - AMENDMENTS.

Amendments to the rules of the Board may be made at any meeting of the Board. . All amendments to these rules and regulations must be adopted and approved by ordinance of the City Council before taking effect.

SECTION 9 - ANNUAL REPORT AND BUDGET REQUEST.

The Board shall submit an Annual Report of its activities as required by §5/10-2.1-19 of the Board of Fire and Police Commissioners Act, and a Budget Request for the ensuing year, as required by local ordinance and the aforementioned §5/10-2.1-19.

CHAPTER II - APPLICATIONS

SECTION 1 - RESIDENCE.

Applicants for examination must be citizens of the United States.

SECTION 2 - APPLICATION BLANKS.

Applications for a position shall be filed upon blank forms furnished by the Commission, and applicants must comply with the requirements of said form in every respect. The application must be filed with the Board prior to taking an examination.

Every applicant must be of good moral character, of temperate habits, of sound health and must be physically able to perform the duties of the position applied for. The burden of establishing these facts rests upon the applicant.

The applicant shall furnish with his application a copy of his Military Service Record, Discharge Papers, Social Security Card, Birth Certificate, High School Diploma or G.E.D. Certificate, a copy of his College or University Degree and, if requested, a copy of a certified transcript of his course work from an accredited College or University.

Those seeking military and/or education preference points shall additionally furnish the following:

Every applicant shall furnish with their application a copy of their U.S. Form DD214 (copy #4), if applicable, for all periods of military service. If the above documentation is not provided at the time of application the Commission will not consider military preference points.

Police Applicants/Educational Preference Points: Every applicant shall furnish with their application a copy of their educational transcripts and any degree awarded. Persons who have successfully obtained an Associate's Degree from an accredited college or university in the field of law enforcement or criminal justice are eligible to receive 1.75 educational preference points. In the alternative, persons who have successfully obtained a Bachelor's Degree from an accredited college or university are eligible to receive 3.50 educational preference points. Any promotional exam candidate who is eligible for educational preference points shall make a claim in writing with proof thereof within ten (10) calendar days after the date of the posting of the initial eligibility register or such claims shall be deemed waived. The preference points under this subsection shall not be cumulative. No person shall receive the educational preference points for a promotional appointment granted by this subsection 2.24.04 (A) after he or she has received one promotion from an eligibility list on which he or she was allowed such preference.

Fire Applicants/Educational Preference Points: Persons who have successfully obtained an Associate's Degree from an accredited college or university in the field of fire science or a Bachelor's Degree in any field are eligible to receive 5.00 educational preference points. Any applicants who have served a minimum of 12 months on active duty in the service of the U. S. Military and who have either been honorably discharged or, in lieu of an honorable discharge,

are still serving in an active or inactive reserve status are eligible for 5.00 preference points. Promotional candidates are eligible for the following educational preference points: Associate's Degree – 2 points, Bachelor's Degree – 4 points, Master's Degree – 6 points. Promotional candidates who have served a minimum of 12 months on active duty in the service of the U. S. Military and who have either been honorably discharged or, in lieu of an honorable discharge, are still serving in an active or inactive reserve status are eligible for 3.50 preference points. Military preference points may only be used only once for promotion.

A false statement knowingly made by a person in an application for examination, connivance in any false statement made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the examination.

SECTION 3 - DISQUALIFICATION.

The Board may refuse to examine an applicant or, after examination, to certify him as eligible:

a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.

b) Who is physically unable to perform the duties of the position to which he or she seeks appointment.

c) Who is addicted to the use of drugs or intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.

d) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in §5/10-2.10-6 of the Board of Fire and Police Commissioners Act.

e) Who has been dismissed from any public service for good cause.

f) Who has attempted to practice any deception or fraud in his or her application.

g) Who may be found disqualified in personal qualifications or health.

h) Whose character and employment references are unsatisfactory.

i) Who does not possess a high school education or its equivalent.

j) Who has applied for a position as a police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector.

k) Who has applied for a position as a firefighter and is not currently certified as a Firefighter II (Advanced) by the Illinois State Fire Marshal's Office or licensed as an Emergency Medical Technician – Paramedic (EMT-P) by the State of Illinois.

l) Who has been previously disqualified as an eligible candidate by the Board of Fire and Police Commissioners from an existing St. Charles eligibility list shall be disqualified for any future consideration.

m) Who has been previously disqualified for employment with the City of St. Charles due to the failure of a polygraph exam, the failure of a police background investigation, the failure of a psychological examination or the failure of a medical exam which includes a drug test, shall be disqualified for any future consideration.

Any applicant, or eligible, deemed disqualified hereunder, shall be notified by the Board.

SECTION 4 - AGE REQUIREMENTS.

Applicants shall be under 35 years of age, at the time of application and at such time as the final eligibility list is posted, unless exempt from such age limitation as provided in Section 5/10-2.1-6 of the Fire and Police Commissioner's Act. Applicants, at such time as they file their application with this board, must be 21 years of age. Proof of birth date will be required at time of application.

SECTION 5 - NOTICE OF ACCEPTANCE.

The Secretary will notify all applicants whose applications have been accepted by the Board to be present for orientation and subsequent examination with an executed Physicians Certificate that they are physically capable of participating in a strenuous "Physical Aptitude Test.

SECTION 6 - RELEASE OF LIABILITY.

All applicants shall execute and deliver to the Board a release of all liability as the result of taking a "Physical Aptitude Test" in favor of the City of St. Charles on a form to be prescribed by the Board.

CHAPTER III - EXAMINATIONS

ORIGINAL APPOINTMENTS

SECTION 1 - NOTICE OF EXAMINATIONS.

Examinations shall be held on the dates fixed by the Board and advertised in a local paper in accordance with the Statutes of the State of Illinois. Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

SECTION 2 - EXAMINATIONS.

The Board shall call examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the Minutes of the Board and shall include a statement of:

a) The time and place where such examination will be held.

b) The location where applications may be obtained and the date by which applications must be returned to the Board.

c) The position to be filled from the resulting eligibility list.

SECTION 3 - TYPE OF EXAMINATIONS.

Applicants must attend the orientation program sponsored by the Board. In addition, applicants may be required to participate in a physical aptitude test, written and oral examinations as determined by the Board and as more particularly set forth in 4 below. No examination shall contain questions regarding applicant's political or religious opinions or affiliations.

SECTION 4 - EXAMINATIONS - MINIMUM GRADE.

The following examinations may be conducted by the Board. The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. Each weighted component of the examination process shall be based upon a scale of 1 to 100. The board, at its discretion, may employ a testing vendor(s) to conduct any of the examinations administered pursuant to these rules.

Examinations	% of Total Grade	Minimum Passing
Orientation	-	Attendance Mandatory
Physical Aptitude Test	-	**
Written Test	70%	75%

Oral Test (Interview)	30% 75 %	
Polygraph Test	-	Pass or Fail
Background Investigation	-	Pass or Fail

CONDITIONAL OFFER OF EMPLOYMENT

Psychological Examination	-	Pass or Fail
Medical Examination	-	Pass or Fail

** Test may be given for demonstration purposes or on a pass/fail basis. Certification that a fire fighter candidate has successfully, within the twelve months immediately preceding the conduct of the written test, passed the Candidate Physical Ability Test (CPAT), as licensed and approved by the International Fire Chief's Association and the International Association of Fire Fighters, satisfies the candidate's obligation to complete the "physical aptitude test" component of this screening process.

Police officer applicants must have passed and possess a Police Officer Wellness Evaluation Report (POWER) proficiency card issued within the past 12 months, prior to the last date for filing applicants to the Board of Fire and Police Commissioners. Candidates must also provide a POWER card, or equivalent, issued within the past 12 months at time of employment.

SECTION 5 – PREFERENCE POINTS

Preference Points may be added to the scores of those candidates who have successfully completed the Physical Ability Test, the Written Examination and the Oral Interview Process as follows:

MILITARY SERVICE:

Any person who was engaged in the military service of the United States for total period of at least one year and who was honorably discharged therefrom, or who is now or may hereafter be on inactive or reserve duty in such military service for at least one year shall upon request, be awarded five (5) preference points. It shall be the responsibility of the Applicant to provide evidence of qualifying military service as listed above with the original application for employment in order to be considered for preference points. Acceptable evidence of qualifying military service shall be an official Department of Defense document such as a DD 214 Copy #4, DD 214 Copy #1 and proof of honorable service from the Department of Defense such as a DD 256 A/N/AF or other official Department of Defense documentation as deemed acceptable by the Board of Fire and Police Commissioners. Preference points must be requested on a form provided by the City.

EDUCATIONAL PREFERENCE POINTS;

SECTION 6- ORIGINAL APPOINTMENT - PHYSICAL APTITUDE TEST.

All applicants may be required to submit themselves to a physical aptitude test. In the event a physical aptitude test is administered, only candidates who have successfully passed the "written test" will be permitted to participate in the physical agility test. Candidates applying for the position of a firefighter must provide proof of current CPAT certification at such time application or prior to submitting for the written examinations as they are required to submit to an oral interview hereunder. Police officers applicants must possess a valid and current POWER proficiency card as indicated in the prior section.

SECTION 7 - ORIGINAL APPOINTMENT - WRITTEN EXAMINATIONS.

Information as to the type of written examination employed by the Board will be provided as part of the orientation program. All examination papers shall be and remain the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

SECTION 8- ORIGINAL APPOINTMENT - ORAL EXAMINATION.

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his attendance. In no event shall less than a majority of the Commissioners conduct the Oral Interview. Additionally, a designee from the command staff level of the respective department may represent the Chief of that department in the oral examination as well as a representative of Human Resources. Said designees shall have equal grading authority. Questions shall be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the Candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position. On completion of each Oral Examination the Commissioners and staff liaisons will discuss the Candidate's abilities using the traits listed above. Candidates who fail to successfully complete the Oral Examination will be notified and eliminated from all further consideration. Notwithstanding anything to the contrary herein, the Board, at its discretion may provide for the oral examination to be conducted by an outside testing agency or testing vendor.

Oral examinations can be conducted using a % of applicants passing the minimum passing requirements of any written examinations (example: top 20% of written examinations) if all candidates will not be interviewed initially; the number of candidates to be interviewed will be announced at the orientation session for the process. In no instance shall the group (or pool) of candidates being interviewed exceed 30 applicants at any one time.

SECTION 9- INITIAL ELIGIBILITY LIST – POLICE OFFICER

a) The Commissioners will prepare an "Initial Eligibility Register" of the Candidates successfully completing the orientation, physical ability test (if any) and written test. Candidates shall be placed on the eligibility list in order of their relative excellence as determined by their test scores. The Candidates will be listed in order of excellence based on their final score.

b) This register is subject to change with the addition of any claimed preference points as

prescribed in 5/10-2.1-8 and 5/10-2.1-9 (a) of the Act. Preference points will not be added to any candidate's score if that candidate failed to obtain a minimum passing score. Candidates who are eligible for any preference points, shall make a claim in writing with proof thereof within ten (10) days after the date of the first posting of the initial eligibility list or such claim shall be deemed waived.

c) A dated copy of the Initial Eligibility Register, duly adjusted with preference points awarded, shall be sent to each person appearing thereon.

d) A candidate's name shall be stricken from an initial eligibility register or a subsequent final eligibility register after the name has been on the initial eligibility register for a period exceeding two (2) years.

SECTION 10-CERTIFIED/ELIGIBLE POLICE OFFICERS

CERTIFIED ENTRY CANDIDATES FOR POLICE OFFICER

QUALIFICATIONS
All persons possessing certification from the Illinois Law Enforcement Training and Standards Board may be considered for accelerated entry (referred to as "certified entry candidates"). Certified entry candidates selected must first meet all of the following criteria:

- Status as a sworn municipal, Illinois state trooper or county Sheriffs deputy for one year after completion of a probationary period, and
- In good standing in the police department in which the person serves served or laid off due to budgetary restraints, and
- Possesses substantially equivalent skills and abilities as a City of St. Charles Police Officer who has completed the probationary period, as determined by the City, and
- Possesses an Associate Degree or 60 semester hours of credit from an institution accredited by the U.S. Department of Education, and
- Taken and passed such examinations as the Commission deems necessary to determine fitness for duty as a police officer.

Certified entry candidates who have been determined by the Commission to meet the aforementioned requirements will not be required to attend the orientation or take the written examination. For such candidates, the examination process may consist of a background investigation, oral interview, polygraph, psychological, physical agility examination (or valid POWER Card) and medical examination prior to appointment.

Upon completion of the aforementioned criteria, a pool of eligible candidates will be maintained and depending upon the needs of the Police Department, the Chief of Police can ask for justification from the City Administrator to select from any candidate within this pool or elect to hire from the traditional hiring list.

SECTION 11 – FINAL ELIGIBILITY REGISTER – POLICE OFFICER.

a) Final appointment for the Police Department shall be from the names appearing on the "Final Eligibility Register."

b) The Board shall select a number of candidates (the number to be determined at the discretion of the Board and announced at orientation) from the top of the Initial Eligibility List who shall be required to submit to an oral interview to be conducted by the Board and, if successful, whose names will be included on the "Final Eligibility Register."

c) The names of the applicants shall be placed upon the "Final Eligibility Register" in rank order, highest first. Rank order shall be based upon the applicant's total cumulative score which shall be calculated as follows:

1) Original written test score multiplied by 70%; and,
2) Oral interview score multiplied by 30%.

d) In the event a "Final Eligibility Register" is exhausted prior to the expiration of the "Initial Eligibility Register," the Board may establish another "Final Eligibility Register" in accordance with subsections a) through c) above.

e) Applicants shall be appointed from the final eligibility list in descending order. Notwithstanding anything to the contrary contained within these rules and regulations, the Board may, at its discretion, choose to appoint an applicant, for a police officer's position, who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants.

f) Appointment from the Final Eligibility Register is subject to satisfactorily passing or completing an in-depth psychological examination, a polygraph test, background investigation, and a thorough medical examination (which may include a test of the applicant's vision and hearing, a test for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics).

SECTION 12 – PRELIMINARY ELIGIBILITY LIST-FIREFIGHTERS

The Commissioners will prepare a "Preliminary Eligibility Register" of the Candidates who have attended the orientation and passed the written test. Candidates shall be placed on the preliminary eligibility list in the order of their relative excellence as determined by their written test scores.

SECTION 13 – INITIAL ELIGIBILITY LIST-FIREFIGHTERS.

a) The Board shall select a number of candidates (the number to be determined at the discretion of the Board and announced at orientation) from the top of the Preliminary Eligibility List who shall be required to successfully submit to an oral interview to be administered by the Board and, if successful, their names will be included on the "Initial

Eligibility Register."

b) The names of the applicants shall be placed upon the "Initial Eligibility Register" in rank order, highest first. All scored examinations shall be based upon a scale of 1 to 100. Rank order shall be based upon the applicant's total cumulative score which shall be calculated as follows:

1) Original written test score multiplied by 70%; and,
2) Oral interview score multiplied by 30%.

SECTION 14 – FINAL ELIGIBILITY LIST-FIREFIGHTER

A. Within ten (10) days after the posting of the Initial Eligibility Register, applicants, whose names appear thereon, shall make a claim for preference points. Failure to timely make a claim for preference points shall constitute a waiver thereof. Preference points shall be awarded as follows:

1) Military Preference – 5 points. Awarded to applicants who have served a minimum of 12 months on active duty in the service of the U. S. Military and who have either been honorably discharged or, in lieu of an honorable discharge, are still serving in an active or inactive reserve status.

2) Education Preference – 5 points. Candidates must have an Associate's Degree in Fire Science or Emergency Medical Services from an accredited Community or Junior College or a Bachelor's Degree in any field from an accredited College or University.

B. Applicants shall be appointed from the Final Eligibility Register in descending order. Notwithstanding anything to the contrary contained herein, the Commission, at its discretion, may bypass a higher ranking candidate and appoint a lower ranking candidate if, in the Commission's opinion, the lower ranking candidate is more qualified for the position and that candidate's name appears within the top 5% of the names remaining on the list or, if there is less than 100 names remaining on the list, the applicant's name is within the top 5 names remaining on the list.

C. Appointment from the Final Eligibility Register is subject to satisfactorily passing or completing an in-depth psychological examination, a polygraph test, background investigation, and a thorough medical examination (which may include a test of the applicant's vision and hearing, a test for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics). A conditional offer of employment shall be made prior to an applicant submitting to the in-depth psychological examination and the medical exam.

D. In the event a "Final Eligibility Register" is exhausted prior to the expiration of the "Initial Eligibility Register," the Board may establish another "Final Eligibility Register" in accordance with Section 11 above. Names will be stricken from the "Final Eligibility List"

and the Initial Eligibility List after the names have appeared on the original "Initial Eligibility List" in excess of two years.

SECTION 15 - PROFESSIONAL EXAMINATIONS AND TESTS.

A. Each applicant for original appointment shall submit to a Psychological Examination by such psychologist or psychiatrist as the Board may designate. Such examination shall be without expense to the applicant. Failure of the applicant to take or successfully complete such test shall eliminate him from further consideration.

B. Any applicant for original appointment to the Police or Fire Department of the City of St. Charles, Illinois, may be required to submit to a Polygraph Device Deceptive Test, commonly known as a Lie Detector Test, at such time and place as the Board may designate. Such test shall be given without expense to the applicant. Failure of the applicant to take or successfully complete such test shall disqualify him to enter upon the duties of the office for which the application for examination was filed.

C. Medical Examinations shall be performed by a licensed physician.

SECTION 16 - PROBATIONARY APPOINTMENT.

A. All vacancies in the Police or Fire Department shall be filled by individuals from the Final Eligibility Registers in the order in which their names appear on the register and having met all requirements previously listed. Pursuant to Section 5/10-2.1-14 of the Board of Fire and Police Commissioners Act, the Board may choose to appoint a certified police officer applicant ahead of non-certified applicants.

B. All original appointments to the police department shall be on a probationary basis commencing upon the date an officer first reports for duty and continuing for a period of eighteen (18) months beyond the date the officer successfully completes the department's field training program. All original appointments to the fire department shall be for a probationary period of twelve (12) months. The probationary period of a newly appointed fire fighter will commence when the fire fighter first reports for work with the fire department. A probationary period may be tolled for those periods of time a probationary employee, is unable or unavailable to perform his or her assigned duties due to required training or due to injury or illness (whether or not job-related) if such periods of absence exceed 30 days.

C. Any person whose name appears on the Final Eligibility Register may decline appointment once. It shall be the option of the Board, should a candidate decline appointment a second time, to strike from or maintain upon the register the name of such candidate without otherwise altering the candidate's original position on the Final Eligibility Register.

D. Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers or fire fighters by statute or these rules.

SECTION 17 - CERTIFICATION.

A. Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course, as mandated by the State of Illinois, as well as successfully completing all requirements of the departments field training program within the prescribed probationary period. Inability to successfully complete the course and the FTO program shall be grounds for dismissal.

B. Final certification of probationary Fire Fighters shall be subject to successful completion of the Certified Fire Fighter Basic Training Course as prescribed by the Illinois Fire Protection Personnel Standards and Education Board.

CHAPTER IV - PROMOTIONAL EXAMINATIONS

SECTION 1 - GENERAL.

The Board, by its rules, shall provide for promotion in the Police and Fire Departments on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. The method of examination and the rules governing examinations for promotion are specified below. For the purpose of determining that a vacancy exists, the Board must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register.

SECTION 2 - PROBATIONARY APPOINTMENT-SUPERVISOR.

All promotional appointments to ~~either the fire or~~ the police department~~s~~ shall be for a probationary period of twelve (12) months. A probationary period may be tolled for those periods of time a probationary employee, is unable or unavailable to perform his or her assigned duties due to required training or due to injury or illness (whether or not job-related) if such periods of absence exceed 30 days.

A person whose name appears on the Final Eligibility Register may decline appointment once. It shall be the option of the Board, should a candidate decline appointment a second time, to strike from or maintain upon the register the name of such candidate without otherwise altering the candidate's original position on the Final Eligibility Register.

Probationary appointments may have their probationary period extended by the Board as recommended by the respective Police Chief or demoted to their previous position by the Board while on probation.

SECTION 2 – POLICE DEPARTMENT

Candidates for promotion must have served a minimum of five (5) full years of certified service as a full time law enforcement officer at a lower rank prior to the written test being administered in order to be eligible to test for promotion to the next higher rank. All promotions within the police department shall be made from the three (3) individuals having the highest ranking at the time of the promotional opening, and where there are less than three (3) names on the promotional eligibility register, as originally posted, or remaining thereon after appointments have been made there from, appointments to fill existing vacancies shall be made from those names or the name remaining on the promotional register. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than two (2) years, provided there is no vacancy existing which can be filled from the promotional register.

Each weighted component of the examination process shall be based upon a scale of 1 to 100.

a) The final Promotional Examination score for positions within the police department shall be determined as follows:

Examination	Weight	Passing Grade
Written Essay,	10%	75%
Written Test	30%	75%
Test (to be created and customized specific to the City of St. Charles using department directives, City codes, personnel policy manual and one reference book)		
Oral Interview w/BFPC	40%	75%

A designee from the command staff level of the respective departments as well as a representative of Human Resources may represent the Chief of that department in the oral examination of candidates, and said designees shall have equal grading authority

Departmental Merit and Efficiency (Chief's Points) 20%

b) In the event no candidate from the immediate next lower rank qualifies for promotion, the Board in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the orders of rank in the services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.

c) Candidates who are otherwise qualified and have timely requested credit for prior military service shall be granted veterans preference points as provided by state statute pursuant to guidelines previously mentioned within these rules and regulations.

d.) Police Sergeant Applicants/Educational Preference Points: Persons who have successfully obtained an Associate's Degree from an accredited college or university in the field of law enforcement or criminal justice are eligible to receive 1.75 educational preference points. In the alternative, persons who have successfully obtained a Bachelor's Degree from an accredited college or university are eligible to receive 3.50 educational preference points. Any promotional exam candidate who is eligible for educational preference points shall make a claim in writing with proof thereof within ten (10) calendar days after the date of the posting of the initial eligibility register or such claims shall be deemed waived. The preference points under this subsection shall not be cumulative. No person shall receive the educational preference points for a promotional appointment granted by this subsection 2.24.04 (A) after he or she has received one promotion from an eligibility list on which he or she was allowed such preference.

TOTAL SCORE.

A Candidate's total score shall consist of the combined scores of the written examination, written essay and BFPC oral interview and Chief's preference points plus veteran's preference/educational points if applicable. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board, in whatever manner the Board deems appropriate.

SECTION 3–PROMOTIONAL TESTING-FIRE DEPARTMENT.

Promotions within the Fire Department shall be accomplished in accordance with the Fire Department Promotion Act and as further specified within Article 18 of the Collective Bargaining Agreement between the City of St. Charles and the St. Charles Professional Firefighters Association Local 3322 of the International Association of Fire Fighters (IAFF), A.F.F.I.,AFL/CIO, effective May 1, 2013 to April 30, 2016, and subject to any amendments thereto. Promotional vacancies within the Fire Department that are governed by the Fire Department Promotion Act shall be appointed in rank order from the promotional list in accordance with the Act.

SECTION 4 - PROMOTIONAL VACANCY,

Upon notice from the appropriate corporate authority that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in Section 1 of this Chapter IV.

CHAPTER V - ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE

SECTION 1 - RANK.

The order of rank in the Police Department shall be as provided by ordinance and municipal budget.

The order of rank in the Fire Department shall be as provided by ordinance and municipal budget.

SECTION 2 - CLASSIFICATION.

The Board classifies such offices in the fire and police departments for the purpose of establishing and maintaining standards of examinations and promotions based upon job descriptions and departmental regulations.

SECTION 3 - OATH OF OFFICE.

Before entering duty, any person about to become a member of the Fire or Police Department, shall take the following oath, before any person authorized to administer oaths in the State of Illinois:

Oath

I, _____, do solemnly swear or affirm that I will support the Constitution of the United States, the laws of the State of Illinois, the ordinances of the City of St. Charles, and the Rules and Regulations of the Board of Fire and Police Commissioners, and that I will faithfully discharge the duties of the office of _____ to the best of my ability.

_____ _____
Affirmant Date

_____ _____
Chairman Date
Board of Fire & Police Commissioners

Signed and Sworn to before me this
____ day of _____, 20__.

_____
City Clerk

CHAPTER VI - HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES

SECTION 1 - HEARING OF CHARGES.

a) Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" do not apply to hearings before the Board.

b) "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.

c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.

d) "Cause" is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer or fire fighter no longer occupying his position. The right to determine what constitutes cause is in the Board.

e) The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of a department, is unwarranted. Should the question of a crime be involved, the rule of "reasonable doubt" shall not control.

f) The phrase "preponderance of evidence" is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.

g) Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers or fire fighters by statute or these rules.

h) All hearings shall be public, in accordance with the Open Meetings Act.

i) At the time and place of hearing, both parties may be represented by counsel, if they so desire.

j) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.

k) The records of all hearings will not be transcribed by the court reporter unless requested to do so by the Board or any party of interest.

l) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.

m) The Board will first hear the witnesses either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended fire fighter or police officer. Thereafter the other party may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

SECTION 2 - HEARING PROCEDURE.

a) **Complaints:** In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.

b) **Probable Cause:** The Board shall have the right to determine whether there is or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.

c) **Notification of Hearing:** Upon the filing of a complaint in quintuple with the Secretary of the Board, and the determination by the Board of probable cause for entertaining said complaint, the Secretary of the Board shall notify both the complainant and the respondent, either by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the Complaint. The respondent shall also be served with a copy of the Complaint, and if an Order of Suspension Pending a Hearing is entered by the Board, the respondent, the complainant, the Chief of the Department, the treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order.

d) **Continuances:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.

e) **Stipulations:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding.

In the event a respondent has been suspended pending a hearing and desires a continuance, it shall also be stipulated and agreed that in the event said respondent is to be retained in his position as a result of a decision of the Board following a hearing of the cause, then no compensation shall be paid to said respondent during the period of said continuance.

f) **Sufficiency of Charges-Objections to:** Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board.

SECTION 3 - SUBPOENAS.

a) Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person 21 years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.

b) Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set for such hearing, provided, however, that the Board in its discretion may waive this rule.

SECTION 4 - SERVICE.

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed, by United States mail in an envelope properly addressed with postage prepaid, to the designated party at his last known residence as reflected by the complaint filed with the Board, except as herein otherwise provided. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

SECTION 5 - FILING.

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board at the City of St. Charles, Illinois. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Board's Office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

SECTION 6 - FORMS OF PAPER.

a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
c) All papers shall be not larger than 8½" by 11" with inside margins of not less than one inch.
d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his counsel.

e) If papers are filed by an attorney, his name and address shall appear thereon.

SECTION 7 - COMPUTATION OF TIME.

The time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday then such succeeding day shall also be excluded.

SECTION 8 - DEMOTIONS

Promoted sergeants are subject to a probationary period and potential demotion to the next lowest rank pursuant to the terms of the collective bargaining agreement then in effect between the City and the labor organization representing the sergeants.

SECTION 9 – SUSPENSION.

The Board may suspend any member of the Fire or Police Department, against whom charges have been proffered, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time except those members whose disciplinary procedures are determined by separate collective bargaining agreements. The Chief of the Fire or Police Department shall have the right to suspend any officer under the Chief's command for a period of not to exceed ten (10) days without pay, providing no charges on the same offense have been filed and are pending before the Board, and the Chief shall notify the Board in writing within twenty-four (24) hours of the time of such suspension. Any police officer or firefighter/paramedic so suspended may appeal to the Board for a review of the suspension within five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the Chairman of the Board of Fire and Police Commissioners. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended such officer and to the officer so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal. Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive pay for the period involved, may suspend the officer for a period of not more than thirty (30) days without pay, or discharge the officer, depending on the evidence presented.

SECTION10 - DISCHARGE OR SUSPENSION AFTER HEARING

a. Discharge from office or suspension from service in the Fire or Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, 65 ILCS 5/10-2.1, or the appropriate collective bargaining agreement.

b. The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board.

SECTION 11 - DATE OF HEARING.

The time for the hearing of charges shall be set by the Board, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Board. This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a Chief of a department on one of its members

SECTION 12 - FINDINGS AND DECISION

In case any member of the Fire or Police Department shall be found guilty of the charges preferred against him/her after a hearing by the Board, the member may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay. Upon an appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the officer or firefighter for an additional period of not more than thirty (30) days, or discharge the officer or firefighter, depending on the facts presented.

SECTION 13 - RULES - CONFLICT.

The personnel of the Fire and Police Department shall be governed by the Rules as adopted by the Commission and the Regulations of the Fire and Police Departments as adopted by ordinance. In case of conflict, the rules of the Board shall govern unless otherwise stipulated in a collective bargaining agreement.

SECTION 14- VIOLATION OF RULES.

All members of the Police and Fire Departments shall be subject to the regulations of such Department, and the Rules of the Board, and a violation of such rules or regulations may be cause for filing of charges before the Board, a subsequent hearing and action by the Board on such charges.

SECTION 14 - VIOLATION OF LAW.

Any violation of the laws of the municipality or state or federal law, by any member of the Police or Fire Department of such municipality may be cause for the filing of charges against said fire fighter or officer, except as herein otherwise provided.

CHAPTER VII - GENERAL

SECTION 1.

The Board shall have such other Powers and duties as are given it by the Statutes of the State of Illinois or by ordinance.

SECTION 2.

Any Chapters, Sections and/or Subsections of the foregoing Rules for the operation of the Board that are in conflict with the State Statute or with any amendments thereto that may hereafter be enacted are null and void. This, however, does not invalidate any other Chapters, Sections and/or Subsections of said Rules.

SECTION 3.

Amendments to the Rules of the Board may be made at any meeting of the Board. A notice shall be published, in a newspaper of general circulation in the municipality, specifying where such Rules are available for inspection. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules shall become effective. All amendments to these rules and regulations must be adopted and approved by ordinance of the City Council before taking effect

SECTION 4 - LEAVE OF ABSENCE.

Leaves of Absence shall be granted by reason of military service or duty-related disability as specified in Illinois Compiled Statutes, Chapter 65, Section 5/10-2.1-23. If a Leave of Absence is granted by the Board during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence.

SECTION 5 - POLITICAL CONTRIBUTIONS.

No person in the Police or Fire Departments of the City of St. Charles, Illinois, shall be under any obligation to contribute any funds to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Fire or Police Departments of the City of St. Charles, Illinois, shall discharge or promote or reduce, or in any manner change the official rank or compensation of any other person in such service, or promise or threaten so to do, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or in any other manner, directly or indirectly, use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.

Approved and Adopted, this 12th day of January 2015 by motion of the Board of Fire and Police Commissioners.
Vote:
Ayes: 4 Nays: 0
Absent: 1
(Ord. 2015-M-10 § 1)

Chapter 2.22

BOARD OF TRUSTEES OF THE POLICE PENSION FUND OF THE CITY OF ST. CHARLES[10]

Sections:

2.22.010 Created - Composition - Members' appointment and election.
2.22.020 Duties.
2.22.030 Funds.

2.22.010 Created - Composition - Members' appointment and election.

There shall be a board of trustees of the police pension fund composed of five members. Of these members, two shall be appointed by the mayor, two shall be elected from the regular police force of the city by the active members thereof, and one shall be elected by and from the beneficiaries of the fund. Each member shall serve for two years, and elected members shall be selected in the manner provided by law (*40 ILCS 5/3-128*).
(Ord. 1996-M-53 § 5; Ord. 1978-M-27 § 1 (part): prior code § 9.1001.)

2.22.020 Duties.

It shall be the duty of the members of the board of trustees of the police pension fund to manage, invest and control the police pension fund and all monies pertaining thereto in the manner provided by statute and to pay beneficiaries as provided by statute (*40 ILCS 5/3-131 et seq*.).
(Ord. 1996-M-53 § 6; Ord. 1978-M-27 § 1 (part): prior code § 9.1002.)

2.22.030 Funds.

There shall be deposited in the police pension fund the amounts provided for by statute.
(Ord. 1978-M-27 § 1 (part): prior code § 9.1003.)

Chapter 2.25

HOUSING COMMISSION

Sections:

2.25.010	Establishment.
2.25.020	Purposes.
2.25.030	Members - Appointment.
2.25.040	Members – Terms of Office.
2.25.050	Powers and Duties.
2.25.060	Compensation and Conflicts of Interest.
2.25.070	Meetings.
2.25.080	Officers.
2.25.090	Voting/Quorum.

2.25.010 Establishment.

There is hereby established a Housing Commission ("Commission") comprising no more than nine (9) members who are residents of, own a property or business in, or work in the City of St. Charles ("City"), or who are representatives of the St. Charles Park District or Community Unit School District #303.
(Ord. 2007-M-26 § 1; Ord. 2005-M-57 § 1.)

2.25.020 Purposes

The purposes of the Commission shall include, but not be limited to the following:

A. Preserve the existing affordable housing stock;
B. Promote public awareness of the need for affordable housing;
C. Encourage and guide market forces to build new homes that meet the St. Charles Housing Endorsement Criteria, and
D. Maintain/increase the availability of attainable/affordable housing for all members of the community by working with the private sector and major employers in the community.

(Ord. 2005-M-57 § 1.)

2.25.030 Members – Appointment.

The Mayor, with the approval of the City Council shall appoint a City Council member and a Plan Commission member as ex-officio members of the Commission. The Mayor shall appoint five (5) members from the at-large community, who are either residents of the City, own a property or business in the City, or work in the City. In addition, the Mayor, with the approval of the City Council, shall also appoint one member representing the St. Charles Park District and one member representing Community Unit School District #303.
(Ord. 2007-M-26 § 2; Ord. 2005-M-57 § 1.)

2.25.040 Members – Terms of Office.

Except for the members representing the St. Charles Park District and Community Unit School District #303, members shall be appointed to a term of three years. Of the first seven members of the

Commission, three members shall serve from their dates of appointment through April 30, 2007; the second two shall serve from their dates of appointment through April 30, 2008; and the third two shall serve from their dates of appointment through April 30, 2009. The members representing the St. Charles Park District and Community Unit School District #303 shall be appointed to a term of one year.
All future terms shall expire on the April 30 of the last year of their respective terms. Members whose terms have expired shall continue to serve until a successor is appointed, except in the case of a member removed for cause. A member who no longer meets the requirements of membership shall no longer remain eligible to serve on the Commission, and said membership shall be considered vacant. The Mayor, with the advice and consent of the City Council, may fill vacancies in an unexpired term.
(Ord. 2007-M-26 § 3; Ord. 2005-M-57 § 1.)

2.25.050 Powers and Duties.

The Commission may perform and exercise the following powers and duties:

A. Provide advice to the City Council for increasing, retaining and rehabilitating affordable housing stock within the City of St. Charles by evaluating, setting priorities, and recommending affordable housing programs and policies, examples of which include Housing Trust Fund, Community Land Trust, Inclusionary Housing Ordinance, density bonus, fee-in-lieu of provision, etc.;
B. Coordinate with other communities and governmental agencies in meeting the housing needs of low-income and moderate-income families in the a community;
C. Establish liaisons with other groups interested in affordable housing in the City and the surrounding area;
D. Work with area builders and developers in implementing affordable housing programs;
E. Develop programs that will assist in accessing new funding opportunities at the local, state and federal levels;
F. Identify possible revenue streams to create and preserve homes that are priced to meet the needs of low- to moderate-income families;
G. Evaluate expansion of the City's Employer Assisted Housing as a tool to leverage private sector investment in workforce housing options; and
H. Create mechanisms for increasing public awareness and educating residents regarding the needs for affordable/attainable housing.

In pursuance of the foregoing duties, the Commission may perform the following:

A. Request and obtain such cooperation, assistance and data from City departments and other public agencies as may be reasonably necessary to carry out its work; and
B. With the approval of City Council, obtain consulting services as may be necessary to carry out the functions of the Housing Commission.

(Ord. 2005-M-57 § 1.)

2.25.060 Compensation and Conflicts of Interest.

No Commission member shall receive compensation for serving on the Commission. No Commission member shall be interested, either directly or indirectly, in the purchase or sale of services, supplies or as an employee except to the extent permitted under the statutes of the State of Illinois.
(Ord. 2005-M-57 § 1.)

2.25.070 Meetings

The Commission shall meet at least six times a year. The Commission members shall set the time and place for the meetings. Minutes shall be recorded for all meetings and filed with the City Clerk.
(Ord. 2005-M-57 § 1.)

2.25.080 Officers

The Commission shall elect a Chairman and such other Officers as it may determine, at the first regular meeting following May 1 of each year, except that initially the Chairman shall be elected by the Commission members at their first meeting. The Chairman shall remain the Chairman until the Commission elects a new Chairman. The Commission may also elect a Vice-Chairman to conduct the duties of the Chairman in his/her absence.
(Ord. 2005-M-57 § 1.)

2.25.090 Voting/Quorum

Each Commission member, including ex-officio members, shall have one vote and all votes shall be decided by a majority of a quorum. A quorum shall consist of five (5) or more members.
(Ord. 2012-M-46 § 4; Ord. 2005-M-57 § 1.)

Chapter 2.26

YOUTH COMMISSION

Sections:

2.26.010	Composition.
2.26.020	Purpose.
2.26.030	Members - Appointment.
2.26.040	Members - Terms of office.
2.26.050	Members - Terms to begin when.
2.26.060	Duties.
2.26.070	Annual report.
2.26.080	Secretarial help, supplies and initial fund.
2.26.090	Coordinating committee - Designated by mayor - Purpose.

2.26.010 Composition.

The St. Charles community Youth Commission, from and after May 1, 1967, shall consist of ten (10) members.

(Ord. 2012-M-46 § 5; Ord. 1967-12 § 1; Ord. 1965-7 § 1.)

2.26.020 Purpose.

The overall purpose of the Youth Commission shall be to encourage the continuing betterment of opportunities for the wholesome development of youth in the St. Charles community.

(Ord. 2012-M-46 § 5; Ord. 1965-7 § 2.)

2.26.030 Members - Appointment.

The ten (10) members of the Youth Commission shall be appointed by the Mayor with the approval of the City Council commencing as of May 1, 1967. No more than three (3) of the commission members can reside outside the city limits. The chairman shall be elected by the commission from its own membership. The commission shall also elect as many officers as it may choose.

(Ord. 2012-M-46 § 5; Ord. 2004-M-16 § 1; Ord. 1967-12 § 3; Ord. 1965-7 § 3.)

2.26.040 Members - Terms of office.

The terms of the members of the commission shall be for one year after the term of any present commissioners may have expired.

(Ord. 1967-12 § 5; Ord. 1965-7 § 5.)

2.26.050 Members - Terms to begin when.

Members shall be appointed to a term of two (2) years; the terms of the appointments shall coincide with the fiscal year of the City beginning on May 1st of each year.

(Ord. 2012-M-46 § 5; Ord. 1965-7 § 6.)

2.26.060 Duties.

The St. Charles community Youth Commission shall:

A. Assist in coordinating and integrating governmental and private plans and services affecting the welfare of children and youth in the city;
B. Assist in coordinating and integrating plans and services for protecting children from exposure to harmful influences and conditions conducive to delinquency in youth;
C. Make or cause to be made studies and surveys related to youth behavior or in the interest of youth guidances;
D. Request and obtain such cooperating, assistance and data from city departments and other public agencies as may be reasonably necessary to carry out its work;
E. Recommend plans and methods for the improvements of opportunities for the wholesome development of youth in the community of St. Charles;
F. Create such subcommittees or advisory committees from outside of the membership of the commission to aid and assist in the work of the commission;
G. Establish liaison with schools, churches, and other groups interested in youth in St. Charles and the surrounding area.

(Ord. 1965-7 § 7.)

2.26.070 Annual report.

On May 1st of each year, beginning on May 1, 1966, the Youth Commission shall cause to be prepared a report of its operations, studies, meetings, attendance of members during the preceding year, along with plans for future activities.

(Ord. 1965-7 § 8.)

2.26.080 Secretarial help, supplies and initial fund.

The city shall furnish to the commission such secretarial help and supplies which are necessary to the conduct of the business of the commission in addition to an initial fund of one thousand dollars.

(Ord. 1965-7 § 9.)

2.26.090 Coordinating committee - Designated by mayor - Purpose.

The mayor shall also designate a coordinating committee representing the city consisting of a representative of the police department, a representative of the city council, and the director of recreating and parks, and city attorney, such committee to meet with and coordinate the work of the Youth Commission with the city.

(Ord. 1965-7 § 4.)

Chapter 2.27

SENIOR SERVICES COMMISSION

Sections:

2.27.010	Establishment.
2.27.020	Purpose.
2.27.030	Members – appointment.
2.27.040	Members – terms of office.
2.27.050	Duties.
2.27.060	Compensation and Conflicts of Interest.
2.27.070	Meetings.
2.27.080	Officer.
2.27.090	Voting/Quorum.
2.27.100	Inactive Status; Suspension of Commission Activities; Reactivation

2.27.010 Establishment.

There is hereby established a Senior Services Commission comprising no more than nine members who are residents of the City.
(Ord. 2000-M-81 § 1.)

2.27.020 Purpose.

The overall purpose of the Senior Services Commission shall be to explore methods and opportunities where people can meet the economic, social, and physical challenges of aging.
(Ord. 2000-M-81 § 1.)

2.27.030 Members – appointment.

The mayor, with the approval of the city council, shall appoint six members from the at-large community and five members from residential facilities dedicated to serving seniors. In addition, the mayor shall appoint a City Council member as an ex-official member of the commission.
(Ord. 2000-M-105 § 1; Ord. 2000-M-81 § 1.)

2.27.040 Members – terms of office.

Members shall be appointed to a term of three years with three members being appointed each year; provided, however, of the first nine members of the commission, three members shall serve one year from the date of appointment through April 2002, three from the date of appointment through April 30, 2003, and three from the date of appointment through April 30, 2004. All future terms shall expire on the April 30 of the last year of their respective terms. Members whose terms have expired may continue to serve until a successor is appointed, except in the case of a member removed for cause. The Mayor with the advice and consent of the City Council may fill vacancies in an unexpired term due to resignation.
(Ord. 2000-M-81 § 1.)

2.27.050 Duties.

The St. Charles community Senior Services Commission shall:

A. Assist in coordinating and integrating governmental and private plans and services affecting the welfare of seniors in the City;
B. Assist in coordinating and integrating plans and services for transportation, housing, social and physical challenges;
C. Make or cause to be made studies and surveys related to senior needs;
D. Request and obtain such cooperation, assistance and data from City departments and other public agencies as may be reasonably necessary to carry out its work;
E. Recommend plans and methods for the improvements of opportunities for seniors;
F. Create such subcommittees and advisory committees from outside of the membership of the commission to aid and assist in the work of the commission;
G. Establish liaison with other groups interested in seniors in St. Charles and the surrounding area.
(Ord. 2000-M-81 § 1.)

2.27.060 Compensation and Conflicts of Interest.

No commissioner shall receive compensation for serving as a commissioner. No commissioner shall be interested, either directly or indirectly, in the purchase of sale of services, supplies or as an employee except to the extent permitted under the statutes of the State of Illinois.
(Ord. 2000-M-81 § 1.)

2.27.070 Meetings.

The Commission shall meet at least four times a year. The Commission members shall set the time and place for the meetings. Minutes shall be recorded for all meetings and filed with the City Clerk.
(Ord. 2000-M-81 § 1.)

2.27.080 Officer.

The only officer shall be the Chairman, who shall be elected by the Commission members at their first meeting. The Chairman shall remain the Chairman until the Commission elects a new Chairman; provided, however, a Chairman cannot serve more than four consecutive years.
(Ord. 2000-M-81 § 1.)

2.27.090 Voting/Quorum.

Each Commission shall have one vote and all votes shall be decided by a majority of a quorum. A quorum shall consist of five or more members.
(Ord. 2000-M-81 § 1.)

2.27.100 Inactive Status; Suspension of Commission Activities; Reactivation.

That the St. Charles Senior Services Commission is hereby placed on inactive status and the activities of said Commission are suspended.

The Mayor with the advice and consent of the City Council may reactivate the St. Charles Senior Services Commission at which time it shall resume the performance of its duties as set forth in Section 2.27.050.
(Ord. 2007-M-100 § 1)

Chapter 2.28

PLAN COMMISSION[12]

Sections:

2.28.010	Composition - Members' appointment and residency.
2.28.020	Qualifications.
2.28.030	Terms.
2.28.040	Officers.
2.28.050	Meetings and Quorum.
2.28.060	Powers.

2.28.010 Composition - Members' appointment and residency.

The Plan Commission of the City shall consist of nine members who shall be appointed by the Mayor with the advice and consent of the City Council. All members of the Plan Commission shall be residents of the City at the time of their appointment, and a member who moves outside the City shall no longer be eligible to serve on the Plan Commission. The Mayor shall not appoint more than five members of the Plan Commission residing on one side (east or west) of the Fox River. In the event a member moves from one side of the river to another, no such member shall be required to resign nor shall the Mayor be prohibited from re-appointing any such member even though the number of members from that side of the river in which he or she then resides shall continue to be more than five.
(Ord. 1998-M-36 § 1; Ord. 1990-M-44 § 1; Ord. 1977-M-23 (part); Ord. 1976-M-35 (part); Ord. 1973-M-3 (part); Ord. 1969-M-6: prior code § 9.801.)

2.28.020 Qualifications.

In making appointments to the Plan Commission, the Mayor may consider the following guidelines:

A. Approximately half of the Commission should have education, job experience or significant volunteer experience in fields related to planning or land development, such as real estate, landscape architecture, community planning, civil engineering, etc.

B. The remainder of the Commission membership should have a demonstrated interest in the future of the St. Charles community by participation in a community group or other activity related to the public interest.

(Ord. 1998-M-36 § 1.)

2.28.030 Terms.

Plan Commission members shall each be appointed for a term of four years, and their terms shall be staggered so that each year the terms of two or three members will expire. However, the three year terms of members appointed prior to May 1998 shall continue until their expiration, and thereafter shall be converted to a four year cycle according to the following schedule:

Two 3-year terms expiring in 1999: Four year term expiring in 2003
One 3-year term expiring in 1999: Five year term expiring in 2004

Two 3-year terms expiring in 2000: Five-year term expiring in 2005
One 3-year term expiring in 2000: Four-year term expiring in 2004

The terms of all members shall expire on the first Monday in May in the last year of their respective terms, regardless of the actual date of their appointment. Members whose terms have expired may continue to serve until a successor is appointed, except in the case of a member removed for cause. Vacancies in an unexpired term due to resignation may be filled by the Mayor with the advice and consent of the City Council.
(Ord. 1998-M-36 § 1.)

2.28.040 Officers.

The Plan Commission shall elect a chairman and such other officers as it may determine, at the first regular meeting in May of each year, or as soon thereafter as may be practicable. In the event of an officer's resignation from that office or from the Commission, the Commission shall elect a replacement officer as soon as is practicable.
(Ord. 2002-M-6 § 1; Ord. 1998-M-36 § 1.)

2.28.050 Meetings and Quorum.

The Plan Commission shall meet at such times as it may determine. Special meetings may be called by the Mayor, the chairman or by any two members of the Commission. A majority of the Plan Commission members then holding office shall constitute a quorum. Final action shall be taken upon measures before the Plan Commission with a concurrence of a majority of the members present, provided a quorum is present.
(Ord. 1998-M-36 § 1; Ord. 1977-M-23 (part); Ord. 1976-M-35 (part); Ord. 1973-M-3 (part): prior code § 9.802; Prior code § 9.803.)

2.28.060 Powers.

The plan commission shall have the following powers:

A. To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the city. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official Comprehensive Plan, or part thereof, of the City. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements hereinafter specified. The Plan, as recommended by the Plan Commission and as thereafter adopted, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances to implement the following provisions:
    1. Establishing reasonable standards of design for subdivisions and for re-subdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined,
    2. Establishing reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment, and
    3. May designate land suitable for annexation to the municipality and the recommended zoning classification, for such land upon annexation;

B. To recommend changes, from time to time, in the official Comprehensive Plan;

C. To prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official Comprehensive Plan;

D. To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official Plan, to further the making of these projects, and, generally, to promote the realization of the official Comprehensive Plan;

E. To exercise such other powers as may be conferred by the City Council (cross referenced to Section 17.04 of the City Code regarding powers and duties).

(Ord. 2012-M-46 § 6; Ord. 1998-M-36 § 1; Prior code § 9.804.)

Chapter 2.29

ST. CHARLES CULTURAL COMMISSION

Sections:

2.29.010	Establishment.
2.29.020	Purpose.
2.29.030	Members - appointment.
2.29.040	Members - Terms of office.
2.29.050	Members - Terms to begin and end.
2.29.060	Duties.
2.29.070	Annual Report.
2.29.280	Compensation and Conflicts of Interest.
2.29.300	Meetings.
2.29.310	Officer.
2.29.320	Voting/Quorum.

2.29.010 Establishment.

There is hereby established a St. Charles Cultural Commission comprising no more than nine members who shall be residents of the city.
(Ord. 2001-M-5§ 1; Ord. 1995-M-50 § 1.)

2.29.020 Purpose.

The St. Charles Cultural Commission will encourage, support and recommend organizations that will support and promote culture, history and the arts in St. Charles.
(Ord. 2001-M-5 § 1; Ord. 1995-M-50 § 1.)

2.29.030 Members - appointment.

The members of such commission shall be appointed by the Mayor with advice and consent of the City Council. Vacancies shall be filled in like manner. The commission shall select one of its members as chairman.
(Ord. 2001-M-5 § 1; Ord. 1995-M-50 § 1.)

2.29.040 Members - Terms of office.

Members of the commission shall serve for a term of three years with three members being appointed each year; provided, however, for the first nine members of the commission, three members shall serve one year from the date of appointment through April 30, 1997, three from date of appointment through April 30, 1998, and three from the date of appointment through April 30, 1999.
(Ord. 2001-M-5 § 1; Ord. 1995-M-50 § 1.)

2.29.050 Members - Terms to begin and end.

The terms of office of the members shall coincide with the fiscal year of the city being May 1 of one year through April 30 of the following year with the commencement of the first commission and terms of office being described in Section 2.29.040.

(Ord. 2001-M-5 § 1; Ord. 1995-M-50 § 1.)

2.29.060 Duties.

The St. Charles Cultural Commission shall:

A. Examine all cultural activities within the city and make recommendations to the City Council as to which organizations and groups the city should contract with to provide services to the residents and visitors to the city.

B. Examine, negotiate and recommend contracts for services with appropriate benchmarks and reports from the various groups and organizations it recommends.

C. Make or cause to be made studies and surveys related to cultural activities.

D. Recommend plans and methods for the provision of services to the community at large.

E. Make recommendations of a budget for the provision of services.

(Ord. 2012-M-46 § 7; Ord. 2002-M-22 § 1; Ord. 2001-M-5 § 1; Ord. 2000-M-9§ 1; Ord. 1998-M-29 § 1; Ord. 1997-M-28 § 1; Ord. 1995-M-50 § 1.)

2.29.070 Annual Report.

Each year the St. Charles Cultural Commission shall make a report to the Government Operations Committee of the City Council which shall include its recommendations relative to a budget, allocation of funds for services and recommended contracts relative to the fiscal year beginning May 1 of the year such report is given; and such report shall also include an analysis of the effectiveness of such services being provided including the number of participants and estimated numbers taking advantage of such services.
(Ord. 2012-M-46 § 7; Ord. 2001-M-5 § 1; Ord. 1995-M-50 § 1.)

2.29.280 Compensation and Conflicts of Interest.

No commissioner shall receive compensation for serving as a commissioner. No commissioner shall be interested, either directly or indirectly, in the purchase or sale of services, supplies or as an employee except to the extent permitted under the statutes of the State of Illinois.
(Ord. 2001-M-5 § 1; Ord. 1995-M-50 § 1.)

2.29.300 Meetings.

The Commission members shall set the time and place for the meetings of the Commission.
(Ord. 2012-M-46 § 7; Ord. 2001-M-5 § 1; Ord. 1995-M-50 § 1.)

2.29.310 Officer.

The only officer shall be the Chairman, who shall be elected by the Commission members at their first meeting. The Chairman shall remain the Chairman until the Commission elects a new Chairman.
(Ord. 2001-M-5 § 1; Ord. 1995-M-50 § 1.)

2.29.320 Voting/Quorum.

Each Commission shall have one vote and all votes shall be decided by a majority of a quorum. A quorum shall consist of five or more members.
(Ord. 2001-M-5 § 1; Ord. 1995-M-50 § 1.)

Chapter 2.30

FIRE DEPARTMENT[13]

Sections:

2.30.010	Created - Composition.
2.30.020	Fire Chief – Appointments, Promotion and Vacancy Filling.
2.30.030	Deleted in its entirety.
2.30.040	Full-time firefighter - Discharge.
2.30.050	Deleted in its entirety.
2.30.060	Deleted in its entirety.
2.30.080	Fire Chief - Duties.
2.30.085	Fire Department – Duties.
2.30.090	Recordkeeping by fire chief.
2.30.100	Rules and regulations.
2.30.105	Deleted in its entirety.
2.30.110	Deleted in its entirety.
2.30.115	Conduct, duties at emergency incidents.
2.30.120	Deleted in its entirety.
2.30.130	Deleted in its entirety.
2.30.140	Service outside corporate limits.
2.30.150	Enforcement of chapter.
2.30.160	Funds - Foreign Fire Insurance Company Tax Board.
2.30.170	Unauthorized use of apparatus prohibited.
2.30.180	Deleted in its entirety.
2.30.190	Fire protection training.

2.30.010 Created - Composition.

There is created a Fire Department, an executive department of the City. The director of the Fire Department shall be the Fire Chief. The membership of the Fire Department shall consist of such positions as may be authorized and funded by the Mayor and City Council. Other members of the Fire Department are to be known as paid-on-call firefighters. All members of the Fire Department, including the Fire Chief, are to be considered to be employees of the City.

(Ord. 2008-M-92 § 1; Ord. 2007-M-113 § 1; Ord. 2003-M-42 § 1; Ord. 2002-M-84 Ord. § 1; 1998-M-40 § 1; Ord. 1992-M-52 § 1; Ord. 1992-M-17 § 1; Ord. 1989-M-72 § 1; Ord. 1988-M-79 § 1; Ord. 1988-M-18 § 1; Ord. 1986-M-43 § 1; Ord. 1982-M-60 § 1; Ord. 1981-M-44 § 1; Ord. 1978-M-26 § 1(part); Ord. 1972-M-37 § 2; Ord. 1969-M-1 (part); Ord. 1966-15 (part): prior code § 8.001.)

2.30.020 Fire Chief - Appointments, Promotion and Vacancy Filling.

A. The Fire Chief shall be recommended for appointment by the City Administrator and appointed annually by the Mayor with the advice and consent of the City Council until the first day of May following his or her appointment, except for the following:

1. If the City Administrator determines that the Fire Chief is not satisfactorily fulfilling the duties of the position, the City Administrator, with approval of the Mayor and City Council, may terminate the Fire Chief at any time during the year of appointment.
2. If the Fire Chief demonstrates behavior that would be cause for immediate dismissal, the City Administrator, with Mayor and City Council approval, may terminate the Fire Chief immediately.

If a Fire Chief is terminated prior to the end of his or her term, the Mayor, upon the receipt of a recommendation from the City Administrator, and advice and consent of the City Council, may appoint a new Fire Chief prior to May 1.

B. The Assistant Fire Chief(s) shall be exempt rank(s) and position(s) shall be appointed or promoted by the City Administrator upon the recommendation of the Fire Chief and shall be subject to removal by the City Administrator. The provisions of 65 Illinois Compiled Statutes 5/10-2.1-4, as amended, shall not apply to appointments, promotions or removals for the position(s) of Fire Chief and Assistant Fire Chief.

C. Any full-time member of the Fire Department appointed as Fire Chief or Assistant Fire Chief unless outlined herein, shall not retain any reversionary rights in any former position and shall not be returned to such position if removed or resigned from his/her appointed position.

1. Any full-time member of the Fire Department holding the rank of Assistant Fire Chief or Battalion Chief, prior to January 7, 2008, shall be classified during his or her term in such position as on furlough from the Fire Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office. If he or she resigns or retires from the appointed rank or is removed by the appointing authority, said officer shall revert to his or her permanent rank, if any, in the Fire Department as established under statute or City ordinance, unless removed from the department by the Board of Fire and Police Commissioners. If the employee reverts to a prior rank, the employee shall be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.
2. If a member of the department is appointed to a rank immediately below the Chief in a manner provided by ordinance after enactment of this ordinance and prior to being eligible to retire on pension, he or she shall be considered as on furlough from the Fire Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office until such time as the employee attains pension eligibility. If he or she resigned from his or her appointed rank or is removed by the appointed authority prior to attaining eligibility to retire on pension, he or she shall revert to and be established in whatever rank he or she held immediately prior to his or her appointment to the rank immediately below the Chief and thereafter be entitled to all the benefits and emoluments of that rank without regard to whether a vacancy then exists in that rank, unless removed from the department by the Board of Fire and Police Commissioners. If he or she resigned from the appointed rank or is removed by the appointing authority after attaining eligibility to retire on pension, such employee shall be removed from employment and shall not be returned to any prior rank.
3. The provisions for removal set forth in this ordinance shall not apply where such individual has been discharged for cause by the Board of Fire and Police Commissioners, in which case he or she shall be disqualified as a member of the Fire Department.

(Ord. 2008-M-92 § 2; Ord. 2008-M-42 § 11; Ord. 2008-M-3 § 1; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.002.)

2.30.030 Full-time Firefighter – Appointment and Promotion.

Deleted in its entirety.

(Ord. 2008-M-42 § 12; Ord. 2008-M-3 § 2; Ord. 2007-M-76 § 1; Ord. 2003-M-42 § 2; Ord. 2002-M-84 § 1; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.003.)

2.30.040 Full-time Firefighter - Discharge.

No full-time firefighter shall be discharged from the department except after a hearing on the charges before the board of fire and police commissioners as provided by statute; provided, that this section shall not be construed as affecting the power of the Mayor and City Council to appoint and remove the Fire Chief.
(Ord. 2008-M-3 § 3; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.004.)

2.30.050 Paid-on-call firefighter - Appointment.

Deleted in its entirety.
(Ord. 2008-M-92 § 3; Ord. 2008-M-3 § 4; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.005.)

2.30.060 Paid-on-call firefighter - Qualifications.

Deleted in its entirety.
(Ord. 2008-M-92 § 4; Ord. 2008-M-3 § 5; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.006.)

2.30.080 Fire Chief - Duties.

The Fire Chief is responsible for the enforcement of all laws and ordinances coming within the legal jurisdiction of the department. The Fire Chief is responsible for planning, directing, coordinating, controlling, and staffing all activities of the department, for its continued and efficient operations, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority and for the department's relations with the citizens of St. Charles, the city government and other agencies.
(Ord. 2008-M-3 § 6; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.007.)

2.30.085 Fire Department - Duties

It shall be the function and duty of the Fire Department and every member thereof to prevent, extinguish, and investigate the causes of fires occurring in the city, to enforce the provisions of this code and all city ordinances relating to fire and life safety hazards, and to prevent infractions of such laws and ordinances. The Fire Department shall have other such duties and responsibilities as may be prescribed by law, and as may be assigned to it by the Mayor, City Administrator, or City Council including, but not limited to hazardous materials response, technical rescue, water rescue, and public education. These specified powers and duties shall apply throughout all or part of any fire district served by the Fire Department pursuant to agreement.
(Ord. 2008-M-3 § 7.)

2.30.090 Recordkeeping by Fire Chief.

The Fire Chief shall keep or cause to be kept such records and make such reports showing the activities of the Fire Department as may be required by the City Administrator, the Mayor and City Council or law.
(Ord. 2008-M-3 § 8; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.016.)

2.30.100 Rules and regulations.

The Fire Chief shall make or describe such rules and regulations for the guidance of the members and employees of the fire department as he shall see fit, such rules and regulations, shall be binding on such members and employees.

(Ord. 2008-M-3 § 9; Ord. 1978-M-26 § 1 (part); Ord. 1969-M-1 (part); Ord. 1966-15 (part): prior code § 8.009.)

2.30.105 Chain of Command.

Deleted in its entirety.

(Ord. 2008-M-92 § 5; Ord. 2008-M-3 § 10.)

2.30.110 Command at emergencies.

Deleted in its entirety.

(Ord. 2008-M-92 § 6; Ord. 2008-M-3 § 11; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.010.)

2.30.115 Conduct, duties at emergency incidents.

The Fire Chief or, in his or her absence, the officer in command at any emergency incident shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of life and property or to protect the adjoining property; and may direct or cause the removal, tearing down, cutting down, of any building, structure, or fence for the purpose of checking the progress of any emergency incident.

The Fire Chief, or any other fire officer in command at an emergency incident, may establish limits in the vicinity of any emergency incident within which no persons, except firefighters, police officers, and those admitted by any officer of the Fire Department, shall be permitted to go.

The Fire Chief, Assistant Fire Chiefs, Battalion Chiefs, Captains, and Lieutenants of the Fire Department shall have the power and authority to cause to be arrested any person, at or near the scene of an emergency incident, for any interference with the Fire Department in the performance of its duties or for the commission of a crime or violation of any ordinance in connection with the emergency incident.

(Ord. 2008-M-3 § 12.)

2.30.120 Obedience to orders.

Deleted in its entirety.

(Ord. 2008-M-92 § 7; Ord. 2008-M-3 § 13; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.008.)

2.30.130 Absence of paid-on-call firefighter.

Deleted in its entirety.

(Ord. 2008-M-92 § 8; Ord. 2008-M-3 § 14; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.011.)

2.30.140 Service outside corporate limits.

Members of the Fire Department are authorized to go outside the corporate limits of the city for the purpose of rendering aid to other fire departments or municipalities for extinguishing fires and rendering aid in the case of emergencies in accordance with the following:

A. Where the Fire Department is acting pursuant to the terms and conditions of a contract, automatic-aid, or mutual-aid agreement to render service outside the corporate limits; or

B. Where the Fire Chief, City Administrator, or the Mayor and City council has ordered such action.

(Ord. 2008-M-3 § 15; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.015.)

2.30.150 Enforcement of chapter.

It shall be the duty of all officers of the Fire Department and all police officers of the city to see that the provisions of this chapter are enforced and to arrest on view any person who is found violating any of

the provisions of this chapter or hinders, resists or refuses to obey any such officer in the discharge of his duty, and to that end all such officers are vested with the usual power and authority of police officers. (Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.013.)

2.30.160 Funds - Foreign Fire Insurance Company Tax Board.

A. The City of St. Charles Foreign Fire Insurance Company Tax Board (hereinafter BOARD) shall consist of seven (7) trustees; the Fire Chief, who shall hold office by virtue of rank, and six (6) members, who shall be elected at large by sworn members of the Fire Department. If there are an insufficient number of candidates to fill all these positions, the number of BOARD members may be reduced to not less than three (3) trustees. All members of the Fire Department shall be eligible to be elected as trustees of the BOARD. The trustees of the BOARD shall annually elect officers. The BOARD officers shall be a Chairman, a Vice Chairman, a Secretary, and a Treasurer.

B. The BOARD shall make all needful rules with respect to the BOARD and the management of money to be appropriated to the BOARD, including, but not limited to, rules prescribing the method for submission of matters for its consideration. All such rules shall be first approved by the BOARD prior to being in full force and effect. Such rules may be changed from time to time by a majority vote of the BOARD.

C. The BOARD shall manage and authorize the disbursement of all foreign fire insurance company tax funds received by the City for the maintenance, use, and benefit of the Fire Department. Such expenditures shall inure solely to the Fire Department as a whole. The offices of the BOARD shall develop and maintain a listing of those items the BOARD feels are appropriate expenditures under the Foreign Fire Insurance Company Fees Act.

D. The City Treasurer shall cause all funds received from the Foreign Fire Insurance Company Tax to be paid to the Treasurer of the BOARD. Such funds delivered to the Treasurer of the BOARD shall be deposited in the Foreign Fire Insurance Company Tax Fund, which is hereby authorized to be established. The Treasurer of the BOARD shall be responsible to pay any authorized collection fees or service charge associated with the same and shall further be responsible to disburse all funds from the Foreign Fire Insurance Company Tax Fund only upon authorization of the BOARD for only the purposes set forth herein.

E. The Treasurer of the BOARD shall give a bond to the City in an amount equal to one and one-half times the anticipated annual Foreign Fire Insurance Company Tax to the BOARD. Such bond shall be approved by the Mayor of the City conditioned upon the faithful performance by the Treasurer of his/her duties under this Section and the rules and regulations of the BOARD. The cost of such bond shall be payable from the Foreign Fire Insurance Company Tax Fund.

F. As part of the annual municipal audit, the funds of the BOARD shall be audited, at the expense of the BOARD, to verify the funds have been expended by the BOARD solely for the maintenance, use, and benefit of the Fire Department as a whole.

G. All meetings of the BOARD shall be held in accordance with the provisions of the Illinois Open Meetings Act, as may be amended from time to time, and the BOARD shall annually publish its regular meeting schedule which shall include the location and time of all regular meetings. A complete record of the proceedings of each meeting of the BOARD shall be kept.

H. At no time shall the actions of the BOARD or its officers interfere with the ordinances and rights of the City or its Fire Chief, the composition of the Fire Department, the Board of Fire and Police Commissioners of the City, or in any way impede the operation of the Fire Department. The City retains the right to withhold approval for use by City employees or in Fire Department City facilities of equipment, supplies, or services purchased by the BOARD but not approved by the City.

I. The term "members" of the Fire Department shall be construed to include those persons described in Section 2.30.010 of the St. Charles Municipal Code.

(Ord. 2011-M-1 § 1; Ord. 2008-M-3 § 16; Ord. 1994-M-59 § 1; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.012.)

2.30.170 Unauthorized use of apparatus prohibited.

It is unlawful for any person to use any fire engine, hose or any other apparatus belonging to the City for any private purpose other than official business of the Fire Department. It is unlawful for any person to remove the same or any part thereof from its place of deposit or, having control thereof, to permit such engine, hose or other apparatus to be used for any private purpose other than aforesaid. Upon conviction, such person shall be fined not less than five dollars nor more than five hundred dollars.
(Ord. 2008-M-3 § 17; Ord. 1978-M-26 § 1 (part); Ord. 1969-M-1 (part); Ord. 1966-15 (part): prior code § 8.014.)

2.30.180 Meetings and social activities – Records required.

Deleted in its entirety.
(Ord. 2008-M-92 § 9; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.017.)

2.30.190 Fire protection training.

A. The city elects to participate in the training programs provided for in the Illinois Fire Protection Training Act.
B. Before an individual may commence regular full-time employment as a firefighter, said individual must have been certified by the Illinois State Fire Marshal as a Firefighter II, as having successfully completed a course approved by the office of the State Fire Marshal and attain licensure as an emergency medical technician-paramedic (EMT-P) with the Illinois Department of Public Health.
C. For paid on-call personnel, the Firefighter II training must be completed by the trainee within that individual's probationary period of one calendar year from the initial date of probationary appointment.
D. The Board of Fire and Police Commissioners is authorized to make any necessary amendments to the rules of the Board of Fire and Police Commissioners.

(Ord. 2008-M-3 § 18; Ord. 1982-M-57 § 1.)

Chapter 2.32

POLICE DEPARTMENT[14]

Sections:

2.32.010	Created - Composition.
2.32.020	Appointments, promotion, and vacancy filling.
2.32.030	Powers and duties of police chief and department.
2.32.040	Fee for Bail/Bond Administration.
2.32.050	Deleted in its entirety.
2.32.060	Private occupations.

2.32.010 Created - Composition.

There is created a Police Department, an executive department of the city. The director of the Police Department shall be the Police Chief. The membership of the Police Department shall consist of such positions as may be authorized and funded by the Mayor and City Council. Members of the Police Department, including the Police Chief, are to be considered employees of the City.
(Ord. 2008-M-93 § 1; Ord. 2007-M-33 § 1; Ord. 2004-M-87 § 1; Ord. 2000-M-22 § 1; Ord. 1998-M-89 § 1; Ord. 1995-M-31 § 1; Ord. 1994-M-72 § 1; Ord. 1994-M-46 § 1; Ord. 1991-M-91 § 1; Ord. 1991-M-26 § 1; Ord. 1990-M-99 § 1; Ord. 1990-M-50 § 1; Ord. 1989-M-93 § 1; Ord. 1989-M-25 § 1; Ord. 1988-M-28 § 1; Ord. 1987-M-3 § 1; Ord. 1985-M-45 § 1; Ord. 1983-M-15 § 1.)

2.32.020 Appointments, promotion, and vacancy filling.

A. The Chief of Police shall be recommended for appointment by the City Administrator and appointed annually by the Mayor with the advice and consent of the City Council until the first day of May following his or her appointment, except for the following:
   1, If the City Administrator determines that the Chief of Police is not satisfactorily fulfilling the duties of the position, the City Administrator, with approval of the Mayor and City Council, may terminate the Chief of Police at any time during the year of appointment.
   2. If the Chief of Police demonstrates behavior that would be cause for immediate dismissal, the City Administrator, with Mayor and City Council approval, may terminate the Chief of Police immediately.

   If a Chief of Police is terminated prior to the end of his or her term, the Mayor, upon the receipt of a recommendation from the City Administrator, and advice and consent of the City Council may appoint a new Police Chief prior to May 1.
   (Ord. 2008-M-93 § 2.)

B. The Deputy Chief, Commander of Investigations, Commander of Patrol, and Commander of Administration shall be exempt rank(s) and position(s) and shall be appointed or promoted by the City Administrator upon the recommendation of the Chief of Police and shall be subject to removal by the City Administrator.

The provisions of 65 Illinois Compiled Statutes 5/10-2.1-4, as amended, shall not apply to appointments, promotions or removals for the position(s) of Chief of Police, Deputy Chief, Commander of Investigations, Commander of Patrol, and Commander of Administration. (Ord. 2015-M-49 § 1; Ord. 2009-M-57 § 1; Ord. 2008-M-93 § 2.)

C. Any full-time member of the Police Department appointed as Chief of Police, Deputy Chief, Commander of Commander of Investigations, Commander of Patrol, and Commander of Administration unless outlined herein, shall not retain any reversionary rights in any former position and shall not be returned to such position if removed or resigned from his appointed position.

(Ord. 2015-M-49 § 1; 2015-Ord. 2009-M-57 § 1.)

1. Any full-time member of the Police Department holding the rank of Deputy Police Chief, Commander of Investigations, Commander of Patrol, and Commander of Administration upon enactment of this ordinance shall be classified during his or her term in such position as on furlough from the Police Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office. If he or she resigns or retires from the appointed rank or is removed by the appointing authority, said officer shall revert to his or her permanent rank, if any, in the Police Department as established under statute or City ordinance, unless removed from the department by the Board of Fire and Police Commissioners. If the employee reverts to a prior rank, the employee shall be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.
2. If a member of the department is appointed to a rank immediately below the Chief in a manner provided by ordinance after enactment of this ordinance and prior to being eligible to retire on pension, he or she shall be considered as on furlough from the Police Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office until such time as the employee attains pension eligibility. If he or she resigned from his or her appointed rank or is removed by the appointed authority prior to attaining eligibility to retire on pension, he or she shall revert to and be established in whatever rank he or she held immediately prior to his or her appointment to the rank immediately below the Chief and thereafter be entitled to all the benefits and emoluments of that rank without regard to whether a vacancy then exists in that rank, unless removed from the department by the Board of Fire and Police Commissioners. If he or she resigned from the appointment rank or is removed by the appointing authority after attaining eligibility to retire on pension, such employee shall be removed from employment and shall not be returned to any prior rank.
3. The provisions for removal set forth in this ordinance shall not apply where such individual has been discharged for cause by the Board of Fire and Police Commissioners, in which case he or she shall be disqualified as a member of the Police Department.

(Ord. 2015-M-49 § 1; Ord. 2008-M-93 § 2.)

D. The provisions for removal set forth in this ordinance shall not apply where such individual has been discharged for cause by the Board of Fire and Police Commissioners, in which case he or she shall be disqualified as a member of the Police Department.

(Ord. 2008-M-42 § 9; Ord. 2008-M-6 § 1; Ord. 2007-M-77 § 1; Ord. 2004-M-87 § 1; Ord. 2000-M-22 § 1 & 2; Ord. 1999-M-28 § 1; Ord. 1994-M-72 § 1; Ord. 1978-M-25 § 1 (part): prior code 7.002.)

2.32.030 Powers and duties of Police Chief and department.

A. The chief of police shall perform the duties that the city council prescribed for the preservation of the public peace, the observance and enforcement of ordinances and laws, and prevention and detection of criminal activity. The chief of police shall, subject to the policies and directions of the mayor, city

council and city comptroller, have full authority and responsibility for the administration and management of the police department's annual budget. The chief of police shall be responsible for planning, directing, coordinating, controlling and staffing all activities of the department or its continued and efficient operation, for the enforcement of the rules and regulations and city policy within the department, for the completion and forwarding of such reports as may be required by competent authority, and for the department's relations with the citizens of St. Charles, the city government and other official agencies. (Ord. 1988-M-66 § 1)

B. The Chief of Police and police officers of the City shall be conservators of the peace. All persons specified and authorized by this chapter shall have power:
   1. To arrest or cause to be arrested, with or without process, all persons who break the peace, or who are found violating any municipal ordinance or any criminal law of the state;
   2. To commit arrested persons for examination;
   3. If necessary, to detain arrested persons in custody overnight or Sunday in a safe place, or until they can be brought before the proper court; and
   4. To exercise all other powers as conservators of the peace that the City authorities may prescribe.

C. All warrants for the violation of municipal ordinances, or the state criminal law, to whomsoever directed, may be served and executed within the limits of the city by any police officer thereof. For this purpose, police officers have all the common law and statutory power of sheriffs.

(Ord. 2008-M-6 § 2; Ord. 1987-M-3 § 1; 1978-M-25 § 1 (part): prior code § 7.003.)

2.32.040 Fee for Bail/Bond Administration.

The Police Department shall charge an administrative fee of fifty dollars ($50.00) for the processing of bail or bond of an individual in any legal process, civil or criminal, or on any bookable arrest, including any arrest on a warrant.

(Ord. 2011-M-15 § 1; Ord. 2008-M-93 § 3; Ord. 1998-M-89 § 2; Ord. 1978-M-25 § 1 (part): prior code § 7.004.)

2.32.050 Benefits.

Deleted in its entirety.

(Ord. 2008-M-42 § 10; Ord. 1978-M-25 § 1 (part): prior code § 7.005.)

2.32.060 Private occupations.

No member of the city police department shall directly or indirectly engage in the following private occupations within the corporate limits of the city:

A. A private detective, a private detective agency, or a private detective business, as defined in the following:
   1. A private detective business shall consist of the business of making, for hire or reward, an investigation or investigations by a person or persons for the purpose of obtaining information with reference to any of the following matters: crime against a commonwealth or wrongs done or threatened; the habits, conduct, movements, whereabouts, associations, transactions, reputations, or character of any person, firm or corporation; the credibility of witnesses or other persons; the location or recovery of lost or stolen property; the causes, origin or responsibility for fires or accidents or injuries to real or personal property; or concerning the truth or falsity of any statement or representation; or the business of securing for hire or reward, evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases. The business of furnishing for hire or reward, guard or guards, watchman or watchmen, patrolman or patrolmen, or other persons to protect persons or property, both real and personal, or to prevent theft or the unlawful taking of goods, wares and

merchandise, or to prevent the misappropriation or concealment of goods, wares and merchandise, money, bonds, stocks, choices in action, notes or other valuable documents or papers, and shall include any individual who shall for hire patrol, watch or guard any residential, industrial or business property or district, or the business of performing the service of such guard or other person for any of said purposes.

2. A detective agency shall mean and include any person, firm or corporation engaged in the private detective business who employs one or more persons in conducting such business.
3. A private detective shall mean and include any person who, singly, conducts a private detective s without the assistance of any employee and who is the holder of a certificate of registration issued by the department of registration and education of the state.

B. The repossession of personal property;

C. The serving of legal documents or papers that do not arise out of their duties as members of the city police department.

(Ord. 1978-M-25 § 1 (part): prior code § 7.006.)

Chapter 2.33

OFFICE OF PURCHASING

Sections:

2.33.010	Definitions.
2.33.020	Office established.
2.33.030	Purchasing manager - Position created.
2.33.040	Purchasing manager - Qualifications and selection.
2.33.050	Deleted In Its Entirety.
2.33.060	Deleted In Its Entirety.
2.33.070	Deleted In Its Entirety.
2.33.080	Duties.
2.33.090	Application of standard specifications - Exemptions.
2.33.100	Determination of standard specifications - Consultation with using agencies.
2.33.110	Purchasing authority.
2.33.120	Purchasing Manager - Powers and duties generally.
2.33.130	Requisition and estimates.
2.33.140	Encumbrance of funds.
2.33.150	Prohibition of interest.
2.33.160	Competitive bidding or pricing required.
2.33.170	Formal contract procedure - Required when.
2.33.180	Formal contract procedure - Inviting bids.
2.33.190	Formal contract procedure - Bid deposits.
2.33.200	Formal contract procedure - Bid opening procedure.
2.33.210	Formal contract procedure - Rejection of bids.
2.33.220	Formal contract procedure - Award - Authority.
2.33.230	Formal contract procedure - Award - Lowest responsible bidder.
2.33.240	Formal contract procedure - Award - To other than low bidder.
2.33.250	Formal contract procedure - Tie bids.
2.33.260	Formal contract procedure - Performance bonds.
2.33.270	Formal contract procedure - Prohibition against subdivision.
2.33.280	Open market procedure - Required when.
2.33.290	Open market procedure - Minimum number of quotations.
2.33.300	Open market procedure - Notice inviting quotations.
2.33.310	Open market procedure - Recording.
2.33.320	Central warehousing.
2.33.330	Price agreement contract procedure.
2.33.350	Surplus stock.
2.33.360	Cooperative purchasing.

2.33.010 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Finance Director" is the officer vested with the executive powers of the Finance Department of the City.
B. "City" is the City of St. Charles.
C. "City council" is the City Council of the City.
D. "City Purchasing Manager" is the Purchasing and Inventory Control Division Manager of the City.
E. "Contractual services" means all telephone, gas, water, electric light and power services; towel and cleaning service; leases for all grounds, buildings, office or other space required by the using agencies; and the rental repair or maintenance of equipment, machinery and other city-owned personal property. The term shall not include professional and other contractual services which are in their nature unique and not subject to competition.
F. "Supplies" means all supplies, materials, and equipment.
G. "Using agency" is any department, agency, commission, committee, bureau or other unit in the city government using supplies or procuring contractual services as provided for in this chapter.

(Ord. 2013-M-21 §1; Ord. 2008-M-1 § 1; Ord. 2000-M-2 § 1; Ord. 1979-M-37 § 1.)

2.33.020 Office established.

There is established a Finance Department with an office of purchasing. This office is to be a division of the Finance Department, under the direct supervision of the Finance Director.

(Ord. 2008-M-1 § 2; Ord. 1979-M-37 § 2.)

2.33.030 Purchasing manager - Position created.

The Purchasing Manager shall be the head and have general supervision of the purchasing function. The manager shall perform all duties required by law, and shall have the powers and duties prescribed by this chapter.

(Ord. 1979-M-37 § 3 (part).)

2.33.040 Purchasing manager - Qualifications and selection.

The manager shall:

A. Be selected by the Finance Director;
B. Have had, prior to selection, considerable experience in a purchasing office of a public or private corporation in an executive capacity, and meet all other qualifications criteria as outlined in the position job description.

(Ord. 2008-M-1 § 3; Ord. 2000-M-2 § 1; Ord. 1979-M-37 § 3(1).)

2.33.050 Committee on standardization and specification - Created.

Deleted in its entirety.

Ord. 2008-M-1 § 4; Ord. 1979-M-37 § 4 (part).)

2.33.060 Nature of specifications.

Deleted in its entirety.

(Ord. 2008-M-1 § 4; Ord. 1979-M-37 § 4(5).)

2.33.070 Manager - Enforcement of committee specifications.

Deleted in its entirety.

(Ord. 2008-M-1 § 4; Ord. 1979-M-37 § 4(1).)

2.33.080 Manager - Committee related duties.

It shall be the duty of the manager:

A. To classify all the supplies used by the various branches of the City government, and in consort to establish and maintain a coexisting inventory control and accounting program for the City;

B. To adopt as standards the minimum number of quantities, sizes, and varieties of supplies consistent with the successful operation of the City government;

C. To prepare and adopt written specifications of all such standard supplies.

D. In consort with the heads and other officials of the Using Agency to prepare and adopt written specifications for the procurement of contracts and agreements for Contractual Services as required by this Chapter.

(Ord. 2013-M-21 § 2; Ord. 1979-M-37 § 4(2).)

2.33.090 Application of standard specifications - Exemptions.

After its adoption, each standard specification shall, until revised or rescinded, apply alike in terms and effect to every future purchase and contract for the supply described in such specifications.

The manager shall have the authority to exempt any using agency of the city for use of the supply described in such standard specification, if the meeting of such specification is not in the best interest of the city and is so documented.

(Ord. 1979-M-37 § 4(3).)

2.33.100 Determination of standard specifications - Consultation with using agencies.

The manager shall continually consult with the heads and other officials of the using agencies to determine their precise requirements and shall endeavor to prescribe those standards which meet the needs of the majority of such agencies.

(Ord. 1979-M-37 § 4(4).)

2.33.110 Manager - Purchasing authority.

The manager shall have the power and it shall be his duty:

A. To purchase or contract for all supplies and contractual services needed by any using agency which derives its support wholly or in part from the City, in accordance with purchasing procedures as prescribed by this chapter and such rules and regulations as the manager shall adopt with the concurrence of the Finance Director for the internal management and operation of the office of purchasing and such other rules and regulations as shall be prescribed by the Finance Director and the Government Operations Committee;

B. The authority of the manager to negotiate all purchases for all using agencies shall not be abridged by excepting a particular using agency;

C. Except as provided in this chapter, no city officer or officers shall purchase any supplies or make any contract within the purview of this chapter other than through the office of purchasing, and any purchase ordered or contract made contrary to the provisions of this chapter shall require the approval of the city council.

(Ord. 2008-M-1 § 5; Ord. 1979-M-37 § 3(2).)

2.33.120 Manager - Powers and duties generally.

In addition to the purchasing authority conferred by this chapter, the manager shall:

A. Act to procure for the city the highest quality in supplies and contractual services at least expense to the city;
B. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;
C. Establish, and amend when necessary, all rules and regulations authorized by this chapter and any others necessary to its operation;
D. Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the city the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations;
E. Prescribe and maintain such forms as he shall find reasonably necessary to the operation of this chapter;
F. Prepare and adopt a standard purchasing manual for all using agencies and suppliers;
G. Prepare, adopt and maintain a current vendor's catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendor's commodities, prices, and discounts;
H. Exploit the possibilities of buying in bulk so as to take full advantage of discounts;
I. Act so as to procure for the city all federal tax exemptions to which it is entitled;
J. Cooperate with the department of finance so as to secure for the city the maximum efficiency in budgeting and accounting;
K. Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time.
L. Determine the most beneficial method of obtaining competitive pricing if the Competitive Bidding procedure is not required by Illinois Compiled Statues or by this Chapter of the St. Charles Municipal Code.

(Ord. 2013-M-21 § 3; Ord. 1979-M-37 § 3(3).)

2.33.130 Requisition and estimates.

A. All using agencies, either by or with the authorization of the head of the department under which the using agency operates, shall file with the Purchasing Manager detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such times, and for such future periods as the Purchasing Manager shall prescribe.
B. A using agency shall not be prevented from filing, in the same manner, with the Purchasing Manager at any time, a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.
C. The Purchasing Manager shall examine each requisition or estimate and shall have the authority to revise it as to quality, quantity, or estimated cost, but the Purchasing Manager shall consult with the head of the requisitioning agency prior to making revision.

(Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 5.)

2.33.140 Encumbrance of funds.

Except in cases of emergency, the Purchasing Manager shall not issue any order for delivery on a contract or open market purchase until the Finance Director has certified, after pre-audit, that there is to the credit of the using agencies concerned a sufficient budgeted balance, in excess of all unpaid obligations, to defray the amount of such order.

(Ord. 2008-M-1 § 6; Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 6.)

2.33.150 Prohibition of interest.

In compliance with Illinois State Statute, the Purchasing Manager and every officer and employee of the city are expressly prohibited from accepting, directly, indirectly, from any person, company firm or

corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the city.
(Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 7.)

2.33.160 Competitive bidding or pricing required.

The City shall comply with all requirements of Illinois Compiled Statutes "Purchasing and Public Works Contracts in Municipalities of Less than 500,000" (65ILCS 5/8-9) requiring competitive bidding. All other purchases of, and contracts for supplies and contractual services, in excess of twenty-five thousand dollars ($25,000) and all sales of personal property which has become obsolete and/or unusable shall, except as specifically provided in this chapter, be based wherever possible on competitive bids, unless otherwise authorized by the City Council. In all events State statutory requirements shall be followed in connection with all sales and purchases.

For purchases of goods or services exceeding $5,000 or if, in the determination of the Purchasing Manager, a specific purchase, contract, or contractual service involves a high level of vendor response, service effort or resource allocation, specialized technical knowledge, expertise, or skill and ability, the Purchasing Manager shall, in consultation with the heads and other officials of the Using Agencies, determine the specifications and/or qualifications necessary to provide the goods or services required. The Purchasing Manager shall utilize a competitive pricing (CP) process by soliciting quotes from qualified vendors to procure the goods or services necessary at the most beneficial terms to the city. In such instances, the Purchasing Manager shall use his best efforts to obtain at least 3 independent proposal responses from qualified potential vendors. If the purchase or contract amount is greater than $25,000 the results of the CP process shall be submitted to the City Council for approval. In all events State statutory requirements shall be followed in connection with all sales and purchases.
(Ord. 2013-M-21 § 4; Ord. 2006-M-11 § 1; Ord. 1989-M-100 § 1; Ord. 1988-M-69 § 1; Ord. 1985-M-42 § 1; Ord. 1982-M-67 § 1; Ord. 1979-M-37 § 8.)

2.33.170 Formal contract procedure - Required when.

When the estimated cost of supplies and/or contractual services exceeds twenty-five thousand dollars ($25,000) they shall be purchased by formal, written contract from the lowest responsible bidder or quote provider after notice inviting proposals except as otherwise specified in this chapter or otherwise authorized by the City Council.
(Ord. 2013-M-21 § 5; Ord. 2006-M-11 § 2; Ord. 1989-M-100 § 1; Ord. 1988-M-104 § 1; Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 9 (part).)

2.33.180 Formal Contract procedure - Inviting bids.

A. Newspaper. Notice inviting bids shall be published once in at least one newspaper of general circulation in the city and at least fourteen days preceding the last day set for the receipt of proposals. The newspaper notice required in this section shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

B. Bidder's List. The manager shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a bidder's list which is made up of prequalified prospective suppliers. The prequalification process generally requires the prospective suppliers to furnish the purchasing department with annual financial reports, credit and product references, corporate history (where applicable) and production and delivery capabilities. The bidder's list shall be maintained by the manager, who shall send each bidder such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidder's list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

C. Website. Notice inviting bids shall be published on the City's website for the fourteen-day period immediately preceding the last day set for receipt of bids. The notice required in this section shall include a general description of the articles and/or services to be purchased or sold, shall state where the blanks and specifications may be secured, the time and place of any pre-bid conferences or meetings, and the time and place for opening bids.

(Ord. 2013-M-21 § 6;Ord. 1979-M-37 § 9(1).)

2.33.190 Formal contract procedure - Bid deposits.

When deemed necessary by the manager or state statute, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where the manager has required such. A successful bidder shall forfeit any surety required upon failure on his part to enter a contract within ten days after the award.

(Ord. 1979-M-37 § 9(2).)

2.33.200 Formal contract procedure - Bid opening procedure.

A. Bids shall be submitted in a sealed envelope inserted in a larger sealed envelope, clearly marked with the word "Bid."
B. Bids shall be opened in public at the time and place stated in public notices.
C. A tabulation of all bids received shall be available for public inspection.

(Ord. 1979-M-37 § 9(3).)

2.33.210 Formal contract procedure - Rejection of bids.

A. The city council and the manager shall have the authority to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract.
B. The manager shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the city.

(Ord. 1979-M-37 § 9(4).)

2.33.220 Formal contract procedure - Award - Authority.

The city council and the manager shall have the authority to award contracts within the purview of this chapter.

(Ord. 1979-M-37 § 9(5) (a).)

2.33.230 Formal contract procedure - Award - Lowest responsible bidder.

Contracts shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, the manager and city council shall consider:

A. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
B. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
C. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
D. The quality of performance of previous contracts or services;
E. The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or service;
F. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
G. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;

H. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
I. The number and scope of conditions attached to the bid;
J. such other factors as the manager or city council shall deem appropriate.
(Ord. 1979-M-37 § 9(5) (b).)

2.33.240 Formal contract procedure - Award - To other than low bidder.

When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the manager and filed with the other papers relating to the transaction, showing why accepting another bid is more advantageous to the city.
(Ord. 1979-M-37 § 9(5) (c).)

2.33.250 Formal contract procedure - Tie bids.

A. Local Vendors. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.
B. Outside Vendors. Where subsection A is not in effect, the manager shall award the contract to one of the tie bidders by drawing lots in public.
(Ord. 1979-M-37 § 9(5) (d).)

2.33.260 Formal contract procedure - Performance bonds.

The manager shall have the authority to require a performance bond before entering a contract in such amount as he finds reasonably necessary to protect the best interests of the city.
(Ord. 1979-M-37 § 9(5) (e).)

2.33.270 Formal contract procedure - Prohibition against subdivision.

No contract or purchase shall be subdivided to avoid the requirements of this chapter.
(Ord. 1979-M-37 § 9(6).)

2.33.280 Open market procedure - Required when.

All purchases of supplies, and contractual services and all sales of personal property which has become obsolete and/or unusable that shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by Sections 2.33.170 through 2.33.270 for the award of formal contract. In all events, state statutory requirements shall be followed in connection with all sales and purchases.
(Ord. 2013-M-21 § 7; Ord. 2010-M-18 § 2; Ord. 2006-M-11 § 3; Ord. 1988-M-104 § 1; Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 10 (part).)

2.33.290 Open market procedure - Minimum number of quotations.

All open market purchases shall, wherever possible, be based on at least three competitive quotations, and shall be awarded to the lowest responsible supplier in accordance with the standards set forth in Section 2.33.230.
(Ord. 1988-M-104 § 1; Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 10(1).)

2.33.300 Open market procedure - Notice inviting quotations.

The manager shall solicit open market pricing from prospective vendors by direct mail, telephone, electronic communication, or other means the City Purchasing Manager deems acceptable. The City Purchasing Manager shall use his best efforts to obtain at least three (3) open market pricing proposals prior to award of the purchase of goods or services.
(Ord. 2013-M-21 § 8; Ord. 1988-M-104 § 1; Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 10(2).)

2.33.310 Open market procedure - Recording.

The manager shall keep a record of all open market orders and the quotations submitted in competition thereon, and such records shall also be open to public inspection unless privileged under the Illinois Freedom of Information Act.

(Ord. 1988-M-104 § 1; Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 10(3).)

2.33.320 Central warehousing.

The manager shall control and oversee storerooms and warehouses. The manager or his designee shall maintain a perpetual inventory record of all materials, supplies or equipment stored in storerooms and warehouses.

(Ord. 1988-M-104 § 1; Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 11.)

2.33.330 Price agreement contract procedure.

The head of the using agency shall have the authority to submit requisitions to the Purchasing Manager for supplies available under the terms of price agreement contract made by the Purchasing Manager.

(Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 12.)

2.33.350 Surplus stock.

A. All using agencies shall submit to the Purchasing Manager, at such time and in such form as he prescribes, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.

B. The Purchasing Manager shall have the authority to transfer stock between city departments.

(Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 15.)

2.33.360 Cooperative purchasing.

The Purchasing Manager shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby.

(Ord. 1985-M-42 § 1; Ord. 1979-M-37 § 16.)

Chapter 2.34

CIVIC EMERGENCY

Sections:

2.34.010	Definitions.
2.34.020	Proclamation of emergency - Authority of mayor.
2.34.030	Proclamation of emergency - Effective period.
2.34.040	Proclamation of emergency - Posting required where.
2.34.050	Curfew - Authority - Applicability.
2.34.060	Executive orders.
2.34.070	Provisions not to impair power of police and fire departments.
2.34.080	Violation - Penalty.

2.34.010 Definitions.

A. A "civic emergency" includes a "state of emergency," and a "local disaster emergency," and is defined to be:

1. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or
2. Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city, resulting in the death or injury of persons, or the destruction of property, to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(Ord. 1996-M-53 § 7.)

B. "Curfew" means a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(Ord. 1978-M-35 § 1 (part); Ord. 1968-20 § 1.)

2.34.020 Proclamation of emergency - Authority of mayor.

Whenever an emergency as defined in Section 2.34.010 exists, the mayor shall declare the existence by means of a written declaration setting forth the facts which constitute the emergency.
(Ord. 1968-20 § 2.)

2.34.030 Proclamation of emergency - Effective period.

The proclamation authorized in this chapter shall be effective for a period of forty-eight hours unless sooner terminated by a proclamation of the mayor indicating that the civil emergency no longer exists. The mayor shall have the power to re-proclaim the existence of a civil emergency at the end of each forty-eight hour period during the time the civil emergency exists. However, the power to proclaim the existence of a local disaster emergency shall further have a maximum limitation of seven days, except by or with the consent of the city council; and the declaration of a state of emergency shall expire not later

than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared.
(Ord. 1978-M-35 § 1 (part); Ord. 1968-20 § 5.)

2.34.040 Proclamation of emergency - Posting required where.

Upon issuing the proclamation authorized in this chapter, the chief of police shall notify the news media situated within the city, and shall cause three copies of the proclamation declaring the existence of the emergency to be posted at the following places within the city:

A. The municipal building;
B. The police station; and
C. The post office.

(Ord. 1968-20 § 6.)

2.34.050 Curfew - Authority - Applicability.

After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.
(Ord. 1968-20 § 3.)

2.34.060 Executive order.

After the proclamation of a civil emergency, the mayor of the city may also in the interest of public safety and welfare make any or all of the following executive orders:

A. Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
B. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
C. Order the discontinuance of selling, distributing, dispensing or giving of any firearms or ammunition of any character whatsoever;
D. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
E. Issue such other orders as are imminently necessary for the protection of life and property.

(Ord. 1968-20 § 4.)

2.34.070 Provisions not to impair power of police and fire departments.

Nothing contained in this chapter shall be construed to impair the powers contained in the municipal code of the city, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the city.
(Ord. 1968-20 § 9.)

2.34.080 Violation - Penalty.

Any person violating the provisions of this chapter or executive order issued pursuant thereto shall be guilty of an offense against the city and shall be punishable by a fine not to exceed five hundred dollars.
(Ord. 1968-20 § 7.)

Chapter 2.36

EMERGENCY MANAGEMENT AGENCY[15]

Sections:

2.36.010	Policy and Procedures.
2.36.020	Limitations.
2.36.030	Definitions.
2.36.040	St. Charles Emergency Management Agency.
2.36.050	Emergency Services and Disaster Powers of the Mayor.
2.36.060	Financing.
2.36.070	Local Disaster Emergencies.
2.36.080	Testing of Disaster Warning Devices.
2.36.090	Mutual Aid Arrangements Between Political Subdivisions.
2.36.100	Communications.
2.36.110	Immunity.
2.36.120	Profession, Trades, and Occupations.
2.36.130	Appropriations and Levy of Tax for Emergency Services and Disaster Operations.
2.36.140	Authority to Accept Services, Gifts, Grants, or Loans.
2.36.150	Orders, Rules, and Regulations.
2.36.160	Utilization of Existing Agency, Facilities, and Personnel.
2.36.170	Severability.
2.36.180	No Private Liability.
2.36.190	Succession.
2.36.200	Compensation.
2.36.210	Deleted In Its Entirety
2.36.220	Emergency Termination or Reduction of Electrical Service.
2.36.230	Penalty.

2.36.010 Policy and Procedures.

A. Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality, or by means of terrorism or other disloyal actions within, or from fire, tornado, flood, earthquake, or other natural or man-made causes, and in order to insure that this city will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this city and protect the public peace, health, and safety in the event of such a disaster, it is found and declared to be necessary:

1. To create a municipal emergency management agency.
2. To confer upon the Mayor and extraordinary power and authority set forth under § 11-1-6 of the Illinois Municipal Code (65 ILL. Comp. Stat. 5/11-1-6).
3. To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency services and disaster operations.

B. Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or

the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the clerk of the city as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

C. It is further declared to be the purpose of this Chapter and the policy of the city that all emergency management programs of this city be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

(Ord. 2004-M-61 § 2; Ord. 1994-M-26 § 1.)

2.36.020 Limitations.

Nothing in this Chapter shall be construed to:

A. interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

B. interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

C. affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

D. limit, modify, or abridge the authority of the Mayor and the municipal council to exercise any other powers vested in them under the constitution, statutes, or common law of this state, independent of or in conjunction with any provisions of this Chapter.

(Ord. 1994-M-26 § 1.)

2.36.030 Definitions.

As used in this Chapter, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

A. Coordinator means the staff assistant to the Fire Chief with the duty of carrying out the requirements of this Chapter.

(Ord. 2014-M-17 § 1)

B. Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other environmental contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

C. Emergency Management means the efforts of this city to develop, plan, analyze, conduct, implement, and maintain programs for disaster mitigation.

D. Emergency Operations Plan means the written plan of the city describing the organization, mission, and functions of the government and supporting services for responding to and recovery from disaster.

E. Emergency Services means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair, or alleviate injury or damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions include, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical, and other special weapons defense, evacuation or person from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

F. Political Subdivision means any county, city, village, or incorporated town or township if the township is in a county having a population of more than 2,000,000.

G. Continuity of Operations means planning to ensure the capability exists to continue essential agency functions across a wide range of hazards both in public and private sectors of the community.

(Ord. 2008-M-2 § 1; Ord. 2004-M-61 § 3; Ord. 1994-M-26 § 1.)

2.36.040 St. Charles Emergency Management Agency.

A. There is hereby created an emergency management agency and a coordinator of the emergency management agency, herein called the "coordinator", who shall be the head thereof.

B. The coordinator, subject to the direction and control of the Fire Chief, shall be the executive head of the St. Charles Emergency Management Agency, and shall be responsible under the direction of the Fire Chief for carrying out the program for emergency services and disaster operations of this city. He shall coordinate the activities of all organizations for emergency services and disaster operations within this city and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organizations of Kane County, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve of the Coordinator or any person designated by the Fire Chief, shall be and act as Coordinator until a new appointment is made as provided in this Chapter.

C. The St. Charles Emergency Management Agency shall take an integral part in the development and revision of the local emergency operations plan.

D. In the development of the emergency operations plan, the St. Charles Emergency Management Agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

E. The St. Charles Emergency Management Agency is authorized to:

a. Determine the requirements of the city of St. Charles for food, clothing, and other necessities in the event of an emergency;

b. Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;

c. Bi-annually review and revise the local Emergency Operations Plan;

d. Establish a register of persons with types of training and skills in emergency prevention, preparedness, response, and recovery;
e. Establish a register of government and private response resources available for use in a disaster;
f. Prepare, for issuance by the Mayor, Chapters, proclamations, and regulations as necessary or appropriate in coping with disasters;
g. Cooperate with the federal, state, and county government and any public or private agency or entity in achieving any purpose of this Chapter and in implementing programs for disaster prevention, preparation, response, and recovery.
h. Initiate and coordinate planning for the establishment of an emergency operating center;
i. Do all other things necessary, incidental, or appropriate for the implementation of this Chapter.

(Ord. 2014-M-17 § 2; Ord. 2008-M-2 § 1; Ord. 2004-M-61 § 4; Ord. 1994-M-26 § 1.)

2.36.050 Emergency Services and Disaster Powers of the Mayor

A. The Fire Chief shall have the general direction and control of the emergency management agency and shall be responsible for the carrying out of the provisions of this Chapter.
B. In performing his duties under this Chapter, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency services and disaster operations defined in this Chapter.
C. In performing his duties under this Chapter, the Mayor is further authorized:
    1. to make, amend, and rescind all lawful necessary orders, rules, and regulations of the local disaster plan to carry out the provisions of this Chapter within the limits of the authority conferred upon him.
    2. to cause to be prepared a comprehensive plan and program for the emergency management of this city which plan and program may be integrated into and coordinated with disaster plans of the state and federal governments and of other political subdivisions, and which plan and program may include:
        a. prevention and minimization of injury and damage caused by disaster;
        b. prompt and effective response to disaster;
        c. emergency relief;
        d. identification of areas particularly vulnerable to disasters;
        e. recommendations for zoning, building, and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
        f. assistance to local officials in designing local emergency action plans;
        g. authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration or other disaster;
        h. organization or municipal manpower and chains of command;
        i. other necessary matters.
    3. in accordance with such plan and program for the emergency management of this City, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials, and equipment, to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency services and disaster organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
    4. out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources, and facilities in this municipality as may be necessary to ascertain the capabilities of the City for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.

D. The Fire Chief is authorized to designate space in a municipal building or elsewhere for the emergency management agency as its office.

(Ord. 2014-M-17 § 3; Ord. 2004-M-61 § 5; Ord. 1994-M-26 § 1.)

2.36.060 Financing.

A. It is the intent of the municipal council and declared to be the policy of the city that every effort shall be made to provide funds for disaster emergencies.

B. It is the municipal council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the governor has proclaimed a disaster affecting the city, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the municipal council for the purpose of enacting Chapters as the council may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States government or other public or private sources. If less than a quorum of the members of the council is capable of convening in session to enact such Chapters for the transfer, expenditure, or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the council can convene.

C. Nothing contained in this section shall be construed to limit the Mayor's authority to apply for, administer, and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response, or recover.

(Ord. 1994-M-26 § 1.)

2.36.070 Local Disaster Emergencies.

A. A local disaster emergency may be declared only by the Mayor or municipal council. If declared by the Mayor, it shall not be continued for a period in excess of seven (7) days except by or with the consent of the municipal council. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.

B. The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.

C. During a local disaster emergency, the Mayor may suspend the provisions of any municipal Chapter prescribing procedures for the conduct of municipal business, or the orders, rules, and regulations of any municipal agency, if strict compliance with the provisions of any Chapter, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, as authorized by "The Illinois Emergency Management Agency Act", provided that, if the municipal council meets at such time, the Mayor shall act subject to the directions and restrictions imposed by that body.

(Ord. 1994-M-26 § 1.)

2.36.080 Testing of Disaster Warning Devices

The testing of disaster warning devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10 o'clock in the morning in accordance with FEMA CPG 1-17 and Illinois 20 ILCS 3305/12.

(Ord. 2008-M-2 § 1; Ord. 1994-M-26 § 1.)

2.36.090 Mutual Aid Arrangements Between Political Subdivisions

The coordinator for emergency services and disaster operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations, or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations, or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such a disaster as described in 2.36.030, it shall be the duty of each local department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.
(Ord. 1994-M-26 § 1; 1976-M-34 (part): prior code § 9.405.)

2.36.100 Communications.

The St. Charles Emergency Management Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.
(Ord. 2004-M-61 § 6; Ord. 1994-M-26 § 1.)

2.36.110 Immunity.

Neither the city, the agency, or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this Chapter or any rule or regulations promulgated pursuant to this Chapter is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act, under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any law, and this section does not affect the right of any such person to receive any benefits or compensation under any act of Congress.
(Ord. 1994-M-26 § 1.)

2.36.120 Profession, Trades, and Occupations

If such disaster as is described in this Chapter occurs in this city and the services of persons who are competent to practice any profession, trade, or occupation are required in this city to cope with the disaster situation, and it appears that the number of persons licensed or registered in this city to practice such profession, trade, or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade, or occupation may, if a member of another political subdivision rendering aid in this city pursuant to the order of the head of that political subdivision and upon the request of the city, or if otherwise requested so to do by the Mayor or the coordinator of this city, during the time the disaster condition continues, practice such profession, trade, or occupation in this city without being licensed or registered in this city.
(Ord. 1994-M-26 § 1.)

2.36.130 Appropriations and Levy of Tax for Emergency Services and Disaster Operations.

The municipal council may make appropriations for emergency services and disaster operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The council may also levy for emergency services and disaster operations a tax not to

exceed .05 percent of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the city for the current year. However, the amount collectible under such a levy shall in no event exceed twenty-five cents ($0.25) per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.
(Ord. 1994-M-26 § 1; 1976-M-34 (part): prior code § 9.412.)

2.36.140 Authority to Accept Services, Gifts, Grants, or Loans.

Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the city services, equipment, supplies, materials, or funds by way of gift or grant for purposes of emergency management, the city, acting through the Mayor or through its council, may accept such offer and upon such acceptance the Mayor or the council may authorize any officer of the city to receive such services, equipment, supplies, materials, or funds on behalf of the city.
(Ord. 1994-M-26 § 1.)

2.36.150 Orders, Rules, and Regulations.

A. The Mayor shall file a copy of every rule, regulation, or order any amendment thereof made by him pursuant to the provisions of this Chapter in the office of the municipal clerk. No such rule, regulation, or order, or any amendment thereof, shall be effective until ten (10) days after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in Section 7, the provision relating to the effective date of any rule, regulation, order, or amendment issued pursuant to this Chapter and during the state of such disaster emergency, is abrogated, and said rule, regulation, order, or amendment shall become effective immediately upon being filed with the municipal clerk, accompanied by a certificate stating the reason for the emergency.

B. The St. Charles Emergency Management Agency established pursuant to this Chapter, and the coordinator thereof, shall execute and enforce such orders, rules, and regulations as may be made by the governor under authority of the Illinois Emergency Management Agency Act. The St. Charles Emergency Management Agency shall have available for inspection at its office all orders, rules, and regulations made by the governor, or under this authority. The state Emergency Management Agency shall furnish such orders, rules, and regulations to the agency.

(Ord. 2014-M-17 § 4; Ord. 2004-M-61 § 7; Ord. 1994-M-26 § 1.)

2.36.160 Utilization of Existing Agency, Facilities, and Personnel.

In carrying out the provisions of the Chapter, the Fire Chief and the coordinator of the emergency management agency are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the city to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency management agency.
(Ord. 2014-M-17 § 5; Ord. 2004-M-61 § 8; Ord. 1994-M-26 § 1.)

2.36.170 Severability.

If any provision of this Chapter or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are hereby declared to be severable.
(Ord. 1994-M-26 § 1.)

2.36.180 No private Liability.

A. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission, or for negligently causing loss or damage to, the property of such person.

B. Any private person, firm, or corporation and employees and agents of such person, firm, or corporation in the performance of a contract with, and under the direction of, the city under the provisions of this Chapter, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

C. Any private person, firm, or corporation, and any employee or agency of such person, firm, or corporation, who renders assistance or advice at the request of the city, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in subsection (c) shall not apply to any private person, firm, or corporation, or to any employee or agent of such person, firm, or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

(Ord. 1994-M-26 § 1.)

2.36.190 Succession.

In the event of the death, absence from St. Charles, or other disability of the Mayor preventing him from acting under this Chapter or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the Mayor Pro-Tem shall succeed to the duties and responsibilities of the Mayor.

(Ord. 1994-M-26 § 1; 1976-M-34 (part): prior code § 9.413.)

2.36.200 Compensation.

The municipal council, by its annual appropriations Chapter, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the Chapter. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the state of Illinois Emergency Management Agency under any provisions of that agency.

(Ord. 1994-M-26 § 1; 1976-M-34 (part): prior code § 9.407.)

2.36.210 Emergency Management Agency Personnel Oath.

Deleted in its entirety.

(Ord. 2008-M-2 § 1; Ord. 2004-M-61 § 9; Ord. 1994-M-26 § 1; 1976-M-34 (part): prior code § 9.410.)

2.36.220 Emergency Termination or Reduction of Electrical Service.

A. Declaration of emergency condition. When in the judgement of the Mayor or council, as provided herein in Section 7(a), a local disaster emergency requires the termination or reduction of electrical service, the Mayor or council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

(Ord. 1994-M-26 § 1.)

2.36.230 Penalty

Any person convicted of violating this Chapter or any order thereunder shall be punished by a fine of not exceeding $500.00.

(Ord. 1994-M-26 § 1.)

Chapter 2.38

ELECTIONS[16]

Sections:

2.38.010 Generally.
2.38.020 Fee for election judges.
2.38.030 Inauguration.

2.38.010 Generally.

Elections for municipal offices shall be held as provided by statute, and at the time prescribed by statute.
(Prior code § 10.705.)

2.38.020 Fee for election judges.

The fee for election judges who are designated or appointed by the appropriate city official shall receive the fee of thirty-five dollars for his or her services as an election judge.
(Ord. 1976-M-16.)

2.38.030 Inauguration.

Commencing with the election of April 7, 1981, the newly elected officers of the city which have been duly elected shall be inaugurated at the first regular or special meeting of the corporate authorities in the month of May following such election and following the proclamation of the results all pursuant to 65 ILCS 5/3.1-10-15.
(Ord. 1996-M-53 § 8; Ord. 1981-M-9 § 1.)

Chapter 2.40

NOTICE PROCEDURES - TOWNSHIP ASSESSORS[17]

Sections:

2.40.010	Applicability.
2.40.020	Building commissioner to file unexecuted certificate of occupancy with assessor.
2.40.030	Assessor's receipt - Contents - Filing by building owner or contractor.
2.40.040	Certificate of occupancy - Filling of assessor's receipt required before issuance.
2.40.050	Certificate of occupancy - Filing of certified copy required after issuance.
2.40.060	Multiple unit structures - Deemed occupied when.

2.40.010 Applicability.

This chapter applies only to construction within the city which requires a certificate of occupancy before any new, reconstructed or remodeled building may be lawfully occupied.
(Ord. 1976-A-2 § 5.)

2.40.020 Building commissioner to file unexecuted certificate of occupancy with assessor.

Prior to the issuance of a certificate of occupancy pursuant to the ordinances of the city, the building commissioner shall file an unexecuted certificate of occupancy with the township in which the building is located.
(Ord. 1974-A-2 § 1.)

2.40.030 Assessor's receipt - Contents - Filing by building owner or contractor.

The owner, building contractor or other person responsible for the construction thereof shall cause to be filed with the city building commissioner a receipt from the township assessor, on a form prescribed by such assessor, showing that the unexecuted certificate of occupancy has been so filed and that the property is subject to increased assessment from the date of issue of the certificate of occupancy on a proportionate basis for the year in which the improvement was completed.
(Ord. 1976-A-2 § 2.)

2.40.040 Certificate of occupancy - Filing of assessor's receipt required before issuance.

The building commissioner shall not issue a certificate of occupancy until the township assessor's receipt is so filed with the building commissioner.
(Ord. 1976-A-2 § 3.)

2.40.050 Certificate of occupancy - Filing of certified copy required after issuance.

The building commissioner shall cause to be filed with the township assessor's office a certified copy of the certificate of occupancy after said certificate is issued.
(Ord. 1976-A-2 § 4.)

2.40.060 Multiple unit structures - Deemed occupied when.

Multiple unit structures shall be deemed initially occupied or initially used when the first unit is occupied or used.

(Ord. 1974-A-2 § 6.)

Chapter 2.42

INDEMNIFICATION[18]

Sections:

2.42.010 Actions and claims against city employees

2.42.010 Actions and claims against city employees.

A. Definitions. Words and terms used in this section shall have the meanings ascribed to them by this section.

1. "Employee" includes an officer, member of a board, commission or committee, servant or employee of the city of St. Charles, whether or not compensated, but does not include an independent contractor.
2. "Injury" means death, injury to a person, or damage to or loss of property. It includes any other injury that a person may suffer to his person, reputation, character or estate which does not result from circumstances in which a privilege is otherwise conferred by law and which is of such a nature that it would be actionable if inflicted by a private person.

B. Defense of Actions, Payment of Judgments and Settlements. Pursuant to the provisions of 745 ILCS 10/2-302, the city of St. Charles hereby elects that in the event any claim or action is instituted against an employee or former employee of the city of St. Charles arising out of an act or omission occurring within the scope of his employment as such employee, except where the injury results from willful misconduct of the employee, the city of St. Charles shall appear and defend such employee against the claim or action, and pay any judgment based on such claim or action, or pay any compromise or settlement of such claim or action.

(Ord. 1996-M-53 § 9; Ord. 1986-M-23 § 1.)

Chapter 2.44

ETHICS

Sections:

2.44.010	Adoption of Certain Provisions of the State Officials and Employees Ethics Act
2.44.020	Ethics Advisor
2.44.030	Penalties

2.44.010 Adoption of Certain Provisions of the State Officials and Employees Ethics Act

A. The provisions of Section 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*, (hereinafter referred to as the "Act" in this Chapter) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by 5 ILCS 430/70-5. Three (3) copies of the Act are, and have been for not less than thirty (30) days prior to the enactment of this section, on file in the office of the City Clerk.

B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.

C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act, is hereby prohibited.

D. The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.

E. For purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).

F. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

G. Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.

H. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or re-hearings. This Section shall be deemed repealed without further action by the corporate authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.

I. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City.

(Ord. 2007-M-78 § 1; Ord. 2004-M-39 § 1.)

2.44.020 Ethics Advisor

A. The Mayor, with the advice and consent of the City Council, shall designate an Ethics Advisor for the City of St. Charles. The duties of the Ethics Advisor may be delegated to an officer or employee of the City of St. Charles unless the position has been created as an office by the City of St. Charles.

B. The Ethics Advisor shall provide guidance to the officers and employees of the City of St. Charles concerning the interpretation of and compliance with the provisions of this Chapter and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Mayor and City Council.

(Ord. 2007-M-78 § 1; Ord. 2004-M-39 § 1.)

2.44.030 Penalties

A. A person who intentionally violates any provision of Section 2.44.010 relating to prohibited political activities is guilty of a Class A misdemeanor.

B. A person who intentionally violates any provision of Section 2.44.010 relating to prohibited gifts is guilty of a business offense subject to a fine of at least $1,001 and up to $5,000.

C. Any person who intentionally makes a false report alleging a violation of any provision of this Chapter to the local enforcement authorities, the State's Attorney or any other law enforcement official is guilty of a Class A misdemeanor.

(Ord. 2007-M-78 § 1; Ord. 2004-M-39 § 1.)

TITLE 2 FOOTNOTES

1. For statutory provisions on the functions and duties of city mayors, see 65 ILCS 5/3.1-35-5; for provisions on elected officers generally, see 65 ILCS 5/3.1-40-5 et seq.
(Ord. 1996-M-53 § 2.)

2. For statutory provisions on the city council, see 65 ILCS 5/3.1-40-5 et seq.
(Ord. 1996-M-53 § 2.)

3. For statutory provisions on the functions and duties of city clerks, see 65 ILCS 5/3.1-35-90.
(Ord. 1996-M-53 § 2.)

4. For statutory provisions on the functions and duties of city treasurers, see 65 ILCS 5/3.1-35-40.
(Ord. 1996-M-53 § 2.)

5. For statutory provisions on appointive officers, see 65 ILCS 5/3.1-30-5. Prior ordinance history: 1965-3, 1968-6, 1971-M-27, 1975-M-35.
(Ord. 1996-M-53 § 2.)

6. For statutory provisions on local boards of health, see 65 ILCS 5/11-16-1.
(Ord. 1996-M-53 § 2.)

7. For statutory provisions on local boards of improvement, see 65 ILCS 5/9-2-7.
(Ord. 1996-M-53 § 2.)

8. For statutory provisions on local zoning boards of appeal, see 65 ILCS 5/11-13-3.
(Ord. 1996-M-53 § 2.)

9. For statutory provisions on firemen's pension fund boards, see 40 ILCS 5/4-121.
(Ord. 1996-M-53 § 2.)

10. For statutory provisions on police pension fund boards, see 40 ILCS 5/3-128.
(Ord. 1996-M-53 § 2.)

11. For statutory provisions on boards of fire and police commissioners, see 65 ILCS 5/10-2.1-1 et seq.
(Ord. 1996-M-53 § 2.)

12. For statutory provisions on establishment and powers of local plan commissions, see 65 ILCS 5/11-12-4 et seq.
(Ord. 1996-M-53 § 2.)

13. For statutory provisions authorizing cities to create and maintain fire departments, see 65 ILCS 5/11-6-1.
(Ord. 1996-M-53 § 2.)

14. For statutory provisions on appointment of members of the police department, see 65 ILCS 5/10-2.1-4; for provisions on the duties of city marshals, see 65 ILCS 5/3.1-35-140; for provisions authorizing the appointment of auxiliary policemen, see 65 ILCS 5/3.1-30-20; for provisions on the powers of conservators of the peace, see 65 ILCS 5/3.1 et seq.

(Prior ordinance history: Ords. 1965-31, 1965-61, 1966-14, 1969-M-5, 1970-M-18, 1972-M-37, 1974-M-3, 1974-M-24, 1975-M-13 and 1976-M-50. (Ord. 1996-M-53 § 2.))

15. For statutory provisions of the Illinois Emergency Management Agency Act, see 20 ILCS 3305/1 et seq.
(Ord. 1996-M-53 § 2.)

16. For statutory provisions on the election of officers, see 65 ILCS 5/3.1-10-10, 5/3.1-10-15.
(Ord. 1996-M-53 § 2.)

17. For statutory provisions on assessment officers, see 35 ILCS 200/2-45.
(Ord. 1996-M-53 § 2.)

18. For statutory provisions on indemnification, see 745 ILCS 10/2-302.
(Ord. 1996-M-53 § 2.)