

CHAPTER 3
CITY ADMINISTRATION

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3.01 CITY ADMINISTRATOR

A. Creation, Appointment: There is hereby created the Office of City Administrator. The Mayor, by and with the advice and consent of the City Council, may appoint a City Administrator to serve as an assistant to the Mayor and City Council.

B. Compensation: Compensation of the City Administrator shall be as determined by the City Council.

C. Duties: The duties of the City Administrator shall be determined from time to time by the Mayor and City Council. (Ord. 2010-120, §1)

D. Authorization to Approve Change Orders: The City Administrator is authorized to make Change Orders increasing or decreasing the cost of public contracts by less than \$10,000 or the time of completion by less than thirty days. Also, pursuant to the authority set forth in 720 ILCS 5/33E-9, the Administrator is designated by the City Council to approve Change Orders to any public contract increasing or decreasing the cost thereof by more than \$10,000 or the time of completion more than thirty days following consultation with the City Engineer and written determination that (1) the circumstance said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, or (2) the change is germane to the original contract as signed, or (3) the Change Order is in the best interest of the City and authorized by law. Copies of all Change Orders increasing or decreasing the cost of the contract by \$10,000 or more or the time for completion by 30 days or more shall be provided to the City Council. The City Council shall retain concurrent authority with the Administrator to approve Change Orders to public contracts. (Ord. 98-142, §1, 1998)

3.02 CITY ATTORNEY

A. Creation of Office and Appointment: There is hereby created the Office of City Attorney. The City Attorney shall be appointed by the Mayor with the advice and consent of the City Council.

B. Duties: The City Attorney shall be the legal advisor of the City, and shall render advice upon all legal questions affecting the City whenever requested to do so by the Mayor or members of the City Council.

The City Attorney shall prosecute or defend any and all suits or actions at law or in equity to which the City may be a part, or in which the City may be interested, or which may be brought against or by any officer of the City on behalf of the City or in the capacity of such person as an officer of the City.

C. Bond and Insurance: The City Attorney shall not be required to furnish bond before entering upon the duties of the office. The City Attorney shall maintain professional liability insurance in the minimum amount of \$1,000,000.00.

3.03 COMMUNITY DEVELOPMENT DIRECTOR
(Amended Ord 2010-120, §2)

A. There is hereby established in and for the City, the office of Community Development Director, also known as the Building Commissioner, Building Inspector, Building Official, Zoning Officer, Electrical Inspector and Code Enforcement Officer. (Ord. 97-109,§1,1997)

B. The Community Development Director shall be appointed by the Mayor with the advice and consent of the City Council.

C. Duties: The duties of the Community Development Director shall be determined from time to time by the Mayor and City Council.

D. Qualifications: The duties of the Community Development Director, as set forth in this subsection, require technical training and knowledge. No person shall be appointed to the Office of Community Development Director unless such person has the requisite technical training and knowledge to discharge the duties as set forth in this subsection.

E. Assistants: Upon the approval of the Mayor and City Council, the Community Development Director shall have the authority to appoint an assistant.

F. Reports: The Community Development Director shall be responsible to the Mayor and City Administrator for all matters coming under his control and shall regularly render a monthly report of the progress and condition of such matters to the City Administrator

3.04 CITY ENGINEER

A. There is hereby created and established in and for the City the Office of City Engineer.

B. The City Engineer shall be appointed by the Mayor with the advice and consent of the City Council.

C. The City Engineer shall perform the duties set forth in this Code and such other duties as may be prescribed by the Mayor and City Council.

3.05 SUPERINTENDENT OF PUBLIC WORKS

A. Appointment: There is hereby created the office of City Superintendent of Public Works. The Superintendent of Public Works shall be appointed by the Mayor with the advice and consent of the City Council.

B. Duties: The duties of the Superintendent of Public Works shall be determined from time to time by the Mayor and City Council. (Ord. 2010-120, §3)

C. Reports: The Superintendent of Public Works shall be responsible to the Mayor and City Administrator for all matters coming under his control and shall regularly render a monthly report of the progress and condition of such matters to the City Administrator. (Ord. 2010-120, §3)

3.06 SUPERINTENDENT OF UTILITIES (Amended Ord 2010-120, §4)

A. Appointment: There is hereby created the office of Superintendent of Utilities. The Superintendent of Utilities shall be appointed by the Mayor with the advice and consent of the City Council.

B. Duties: The duties of the Superintendent of Utilities shall be determined from time to time by the Mayor and City Council.

C. Reports: The Superintendent of Utilities shall be responsible to the Mayor and City Administrator for all matters coming under his control and shall regularly render a monthly report of the progress and condition of such matters to the City Administrator.

3.07 OFFICERS AND EMPLOYEES OF THE CITY

A. Application: The provisions of this section shall apply alike to all officers and employees of the City, regardless of the time of the creation of the office or position of employment, and regardless of the time of the appointment of the officer or employment of the employee.

B. Records: All records kept or maintained by any officer of the City shall be open to inspection by the Mayor or any Alderman at all reasonable times, whether or not such records are required to be kept by statute or ordinance, except where state statute provides otherwise.

C. Monies Received: Every officer of the City shall turn over all monies received by him in his official position to the Treasurer, with a statement showing the source from which the same was

received, and shall take the Treasurer's receipt therefor. The Treasurer will receive all monies in a timely manner in order to deposit such funds within 48 hours in an interest bearing account.

3.08 BONDS OF OFFICERS

Every officer and employee of the City, as may be required so to do by law or by ordinance, before entering upon the duties of the office or position of employment, shall give a bond in such amount and with such sureties as may be required by law or by the City Council, which shall be subject to the approval of the City Council, and which shall be conditioned upon the faithful performance of the duties of the office or position of employment. Unless otherwise provided for by law or by ordinance, such bonds shall have as surety a company or corporation licensed to act as surety in the State of Illinois and to do business in the State of Illinois. The premiums of such bonds shall be paid out of the general funds of the City.

3.09 POSSESSION OF CITY RECORDS

Within five days after written notification and request by the Mayor or Clerk, any person who has been an officer of the Mayor shall deliver to the Clerk all property, books and effects in his possession, belonging to the City, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby and subject to a fine of not less than \$500.00 for each violation; each day that the violation continues shall be considered a separate offense. The Clerk shall deliver those records deemed necessary to the successor in office to carry out his duties.

3.10 INDEMNIFICATION

A. In the event a lawsuit is filed against any former or current elected City Officer for acts relating to the City or City business affairs while in office, the City shall retain and pay counsel of its choice to defend the officer. The City shall also indemnify the officers for any acts, for which he or she is found liable, within the scope of his or her office, duty or employment with the City. The protection afforded to officers in this Section 3.10 shall apply where defense and indemnity is not adequately provided for, with out any conflict of interest, by the City's liability insurance carrier. (Ord. 96-118, §1, 1996; Ord. 94-142, §1, 1994)

B. The City shall defend and indemnify all former and current City employees for acts within the scope of their duties and employment, not otherwise covered by the liability insurance carrier by the City. (Ord. 96-118, §1, 1996; Ord. 94-142, §1, 1994)

3.11 PERSONNEL RULES

A. General Provisions:

1. Position Covered by Rules: All employees not covered under a labor agreement shall be governed under those contracts, unless separate rules are published. (Ord 2010-120, §6)

2. Departmental Rules: These rules shall not limit the power of department heads to make departmental rules which do not conflict with these personnel rules. (Ord 2010-120, §6)

B. Hiring Policies:

1. Selection: All employees shall be hired by the Mayor. (Ord 2010-120, §6)
2. Hiring of Relative: Except for seasonal and part-time employees, no individual shall be hired as a full-time employee of the City if he or she has a relative employed with the City. The immediate supervisor of seasonal and part-time employees shall not be a relative. ((Ord 2010-120, §6;Ord. 99-125,§1)

3.12 **CODE OF ETHICS (Amended, Ordinance 2004-120)**

A. Declaration of Policy: The proper operation of democratic government requires that Officers and Employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics for all City Officers and Employees is adopted. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all City Officers and Employees by setting forth those acts or actions that are incompatible with the best interest of the City and by directing disclosure by such Officers and Employees of private financial or other interests in matters affecting City life.

B. Code of Ethics: The requirements set forth herein shall constitute a Code of Ethics establishing reasonable standards and guidelines for the ethical conduct of Officers and Employees of the City.

C. Definitions: In addition to the definitions in Appendix A, the following terms shall be given these definitions for purposes of this Section 3.12:

“Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State or local public office or office in a Political Organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities: (i) relating to the support or opposition of any executive, legislative, or administrative action; (ii) relating to collective bargaining; or (iii) that are otherwise in furtherance of the person’s official duties.

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 Ill. Comp. Stat. 5/1-3).

“Collective Bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 Ill. Comp. Stat. 315/3).

“Compensated Time” means, with respect to an Employee, any time worked by or credited to the Employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Section 3.12, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the Employee is on a Leave of Absence. With respect to Officers or Employees whose hours are not fixed, “compensated time” includes any period of time when the Officer or Employee is on premises under the control of the Employer and any other time when the Officer or Employee is executing his or her official duties, regardless of location.

“Compensatory Time Off” means authorized time off earned by or awarded to an Employee to compensate in whole or in part for time worked in excess of the minimum work time required of that Employee as a condition of his or her employment.

“Contribution” has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 Ill. Comp. Stat. 5/9-1.4).

“Employee” means a person employed by the City, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an Employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

“Employer” means the City.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an Officer or Employee.

“Intra-Governmental Gift” means any gift given to an Officer or Employee of the City from another Officer or Employee of the City.

“Inter-Governmental Gift” means any gift given to an Officer or Employee of the City from a member or employee of the legislative branch of the government of the State of Illinois, a judge or employee of the judicial branch of the government of the State, an officer or employee of the executive branch of the government of the State, an officer or employee of a unit of local government, home rule unit, or school district or an officer or employee of any other governmental entity.

“Leave of Absence” means any period during which an Employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the Employer.

“Officer” means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

“Political Activity” means any activity in support of or in connection with any campaign for elective office or any Political Organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“Political Organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 Ill. Comp. Stat. 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Prohibited Political Activity” means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fund-raiser, political meeting or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a Political Organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective officer or on behalf of a Political Organization for political purposes or for or against any referendum question.
6. Assisting at the polls on election day on behalf of any Political Organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a Political Organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.

11. Distributing, preparing for distribution or mailing campaign literature, campaign signs or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

“Prohibited Source” means any person or entity who:

1. is seeking official action (i) by an Officer or (ii) by an Employee, or by the Officer or another Employee directing that Employee;
2. does business or seeks to do business (i) with the Officer or (ii) with an Employee, or with the Officer or another Employee directing that Employee;
3. conducts activities regulated (i) by the Officer or (ii) by an Employee, or by the Officer or another Employee directing that Employee; or
4. has interests that may be substantially affected by the performance or non-performance of the official duties of the Officer or Employee.

“Relative” means those people related to the Officer or Employee as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the Officer’s or Employee’s spouse and the Officer’s or Employee’s fiancé or fiancée.

D. Prohibited Political Activities:

1. No Officer or Employee shall intentionally perform any prohibited Political Activity during any Compensated Time, as defined herein. No Officer or Employee shall intentionally use any property or resources of the City in connection with any Prohibited Political Activity.
2. At no time shall any Officer or Employee intentionally require any other Officer or Employee to perform any Prohibited Political Activity (i) as part of that Officer or Employee’s duties, (ii) as a condition of employ-

ment, or (iii) during any Compensated Time off (such as holidays, vacation or personal time off).

3. No Officer or Employee shall be required at any time to participate in any Prohibited Political Activity in consideration for that Officer or Employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any Officer or Employee be awarded additional compensation or any benefit in consideration for his or her participation in any Prohibited Political Activity.
4. Nothing in this Section 3.11 prohibits activities that are permissible for an Officer or Employee to engage in as part of his or her official duties, or activities that are undertaken by an Officer or Employee on a voluntary basis which are not prohibited by this Section 3.11.
5. No person either: (i) in a position that is subject to recognized merit principles of public employment; or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party or of a Political Organization or club.

C. Gift Ban:

1. Except as permitted by this Section 3.11-E, no Officer or Employee, and no spouse of or immediate family member living with any Officer or Employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any Prohibited Source, as defined herein, or which is otherwise prohibited by law or ordinance. No Prohibited Source shall intentionally offer or make a gift that violates this Section 3.11-E. This Code of Ethics does not repeal or otherwise amend or modify Section 3.11-E1 of this Code which regulates the acceptance of gifts of City employees. To the extent Section 3.11-E1 is more restrictive than the provisions of this Section 3.11, then the more restrictive provisions shall prevail.
2. Exceptions: Section 3.11-E1 herein is not applicable to the following:
 - a. Opportunities, benefits and services that are available on the same conditions as for the general public.
 - b. Anything for which the Officer or Employee, or his or her spouse or immediate family member, pays the fair market value.

- c. Any (i) contribution that is lawfully made under the Election Code; or (ii) activities associated with a fund-raising event in support of a Political Organization or candidate.
- d. Educational materials and missions.
- e. Travel expenses for a meeting to discuss business.
- f. A gift from a Relative.
- g. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Officers or Employees, or their spouses or immediate family members.
- h. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section 3.11-E2h, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- i. Food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an Officer or Employee), if the benefits have not been offered or enhanced because of the official position or employment of the Officer or Employee, and are customarily provided to others in similar circumstances.
- j. Intra-Governmental and Inter-Governmental gifts.
- k. Bequests, inheritances and other transfers at death.

1. Any item or items from any one Prohibited Source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section 3.11-E2 is mutually exclusive and independent of every other.

3. Disposition of Gifts: An Officer or Employee, his or her spouse or an immediate family member living with the Officer or Employee, does not violate this Section 3.11-E if the recipient promptly takes reasonable action to return a gift from a Prohibited Source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered or succeeded.

D. Ethics Advisor:

1. The Administrator, with the advice and consent of the City Council shall designate an Ethics Advisor for the City.
2. The Ethics Advisor shall provide guidance to the Officers and Employees of the City concerning the interpretation of and compliance with the provisions of this Section 3.11 and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the City Council.

E. Ethics Commission:

1. There is hereby created a commission to be known as the Ethics Commission of the City of Harvard (for purposes of this Section 3.11, "Commission"). The Commission shall be comprised of three members appointed by the Administrator with the advice and consent of the City Council. No person shall be appointed as a member of the Commission who is related, either by blood or marriage up to the degree of first cousin, to any elected Officer of the City.
2. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve two-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to two-year terms. Commissioners may be re-appointed to serve subsequent terms.
3. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any two commissioners. A quorum shall consist of two commissioners, and official action by the Commission shall require the affirmative vote of two members.

4. The Administrator, with the advice and consent of the City Council, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten days' notice. Vacancies shall be filled in the same manner as original appointments.
5. The Commission shall have the following powers and duties:
 - a. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
 - b. Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with this Section 3.11 and refer violations of Sections 3.11-D and 3.11-E to the City Attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Section 3.11 and not upon its own prerogative.
 - c. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Section 3.11.
 - d. To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all Officers and Employees of the City to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
 - e. To prepare and publish such manuals and guides as the Commission deems appropriate to facilitate compliance with the terms of this Section 3.11.
 - f. The powers and duties of the Commission are limited to matters clearly within the purview of this Section 3.11.
6. Complaints:
 - a. Complaints alleging a violation of this Section 3.11 shall be filed with the Ethics Commission.
 - b. Within three business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested,

a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

- c. Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Section 3.11, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. Within seven business days after receiving the complaint, the Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.
- d. If the complaint is deemed sufficient to allege a violation of Section 3.11-E and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the City Attorney to prosecute such actions and request that the complaint be adjudicated judicially and the Commission's notice to the parties shall indicate this fact.
- e. If the complaint is deemed sufficient to allege a violation of Section 3.11-D, then the Commission shall notify in writing the City Attorney to prosecute such actions and shall transmit to the City Attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation. The Commission's notice to the parties shall indicate these facts.
- f. If the Commission elects to hear a case brought under Section 3.11-E, on the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to pre-

sent testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

- g. Within 30 days after the date the hearing or any recessed hearing of a case brought under Section 3.11-E is concluded, the Commission shall either: (i) dismiss the complaint; or (ii) issue a recommendation for discipline to the alleged violator and to the Administrator or other Officer having authority to discipline the Officer or Employee, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- h. If the hearing on a case brought under Section 3.11-E was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Administrator or other Officer having authority to discipline the Officer or Employee or impose a fine upon the violator, or both.
- i. If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a Candidate, the Commission shall render its decision as required under Section 3.11-G6h within seven days after the complaint is filed, and during the seven days preceding that election, the Commission shall render such decision before the date of that election, if possible.
- j. A complaint alleging the violation of this Section 3.11 must be filed within one year after the alleged violation.
- k. In the event a member of the Commission is the subject of an alleged violation of this Section 3.11, such commissioner shall immediately recuse himself or herself from the investigation of such alleged violation, and shall take no part in the final action of the Commission regarding such alleged violation. A substitute Commissioner shall be appointed pursuant to the terms of Section 3.11-G1 above for purposes relating to this matter only.

F. Penalties:

1. A person who intentionally violates any provision of Section 3.11-D may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
2. A person who intentionally violates any provision of Section 3.11-E is subject to a fine in an amount on not less than \$1,001 and not more than \$5,000.
3. The Commission may levy an administrative fine of up to \$5,000 against any person who violates this Code of Ethics or who intentionally makes a false, frivolous or bad faith allegation.
4. In addition to any administrative fines imposed pursuant to Section 3.11-H3 herein, any person who intentionally makes a false report alleging a violation of any provision of Section 3.11 to the Ethics Commission, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
5. A violation of Section 3.11-D shall be prosecuted as a criminal offense by the City Attorney by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.
6. A violation of Section 3.11-E may be prosecuted as a quasi-criminal offense by an attorney for the City, or the Ethics Commission, through the designated administrative procedure.
7. In addition to any other penalty that may be applicable, whether criminal or civil, an Officer or Employee who intentionally violates any provision of this Section is subject to discipline or discharge.

G. Distribution of Code of Ethics: The City Clerk shall cause a copy of this Code of Ethics to be distributed to every Officer and Employee of the City within 30 days after enactment of this Code of Ethics. Each Officer and Employee elected, appointed or engaged hereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

3.13 BUDGET OFFICER (Ordinance 2006-113)

A. Creation: There is hereby created and established in and for the City, the Office of Budget Officer. The City Administrator shall serve as the Budget Officer.

B. Oath and Bond: The Budget Officer shall, within 5 days after appointment and notice thereof, take and subscribe the oath of office and shall enter into a bond payable to the City, with sureties to be approved by the City Council. The bond posted for the City Administrator shall stand as security for the Budget Officer's bond. Said bond shall be conditioned upon the faithful performance of the duties imposed by the ordinances of the City and the Illinois Compiled Statutes. The cost of the bond shall be paid by the City.

C. Duties: The Budget Officer shall perform the duties which may from time to time be required by law and by the ordinances of the City. In addition, the Budget Officer shall coordinate and participate in the following activities:

1. Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting and other fiscal management procedures in all municipal departments, commissions and boards.
2. Compile the annual budget. Such budget shall contain estimates of revenues available to the City for the fiscal year for which the budget is drafted, together with recommended expenditures for the City and all the departments, commissions and boards. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices. Substantial conformity to a chart of accounts, now or in the future, recommended by the National Committee on Governmental accounting, or the Illinois Auditor of Public Accounts, or the Division of Local Governmental Affairs and Property Taxes of the Illinois Department of Revenue or successor agencies shall be deemed proof of such conformity. The budget shall contain actual or estimated revenues and expenditures for the two years immediately preceding the fiscal year for which the budget is prepared. So far as possible, the fiscal data for such two preceding fiscal years shall be itemized in a manner which is in conformity with the chart of accounts approved above. Each budget shall show the specific fund from which each anticipated expenditure shall be made.
3. Examine all books and records of all City departments, commissions and boards which relate to monies received by the City, departments, commissions and boards, and paid out by the City, departments, commissions and boards, debts and accounts receivable, amounts owed by or to the City, departments, commissions and boards.
4. Obtain such additional information from the City, departments, commissions and boards as may be useful to the Budget Officer for purposes of compiling a municipal budget, such information to be furnished by the City, departments, commissions and boards in a form required by the Budget Officer. Any department, commission or board which refuses to make such information as is requested of it available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget for the City until such

department, commission or board shall comply in full with the request of the Budget Officer.

5. Establish and maintain such procedures as shall insure that no expenditures are made by the City, departments, commissions or boards, except as authorized by the budget. Nothing herein shall prevent the Budget Officer from making intrafund transfers, which authority is hereby granted, for the purpose of balancing line items within the funds.

D. Budget Presentation: Before the close of each fiscal year the budget for the coming fiscal year shall be presented to the Mayor and Aldermen for approval, as required by 65 ILCS 5/8-2-9.1 through 5/8-2-9.10, and the provisions of this Section 3.13.

E. Public Inspection, Notice and Hearing: The City Council shall make the tentative annual budget conveniently available to public inspection for at least 10 days prior to the approval of the annual budget, by announcement at a regular meeting of the City Council.

Not less than one week after the tentative annual budget is available to public inspection, and prior to final action on the budget, the City Council shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings the tentative budget may be further revised and approved without any further inspection, notice or hearing.

Notice of the budget hearing shall be given by publication in a newspaper having a general circulation in the City at least one week prior to the time of the hearing.

F. Budget Changes: The City Council authorizes the Budget Officer the power to delete, or add to, or change or create line items or expenditure categories budgeted previously to any fund, operation, project or subject to such limitations or requirements as the corporate authorities may specify from time to time. The Budget Officer shall have the flexibility to reallocate monies within expenditure categories, funds, operations, projects, or departments without amendment of the budget by the City Council so long as the overall approved amount in the budget for the specific fund, operation, project, or department in question is not exceeded.

By a vote of two-thirds of the members of the City Council then holding office, the annual budget for the City may be revised by deleting, adding to, changing or creating line items, expenditure categories, funds, operations, projects or departments. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision.