

**TITLE 1: ADMINISTRATION**

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# **TITLE 1     ADMINISTRATION**

## **CHAPTER 1           CITY COUNCIL**

- 1-1-1 Regular Meeting
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- 1-1-4 Procedures and Rules
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- 1-1-6 City Council Oath
- 1-1-7 City Council Compensation
- 1-1-8 City Council Wards
- 1-1-9 Addressing City Council
- 1-1-10 Rules Governing Remote Meeting Attendance

### **SECTION 1-1-1           REGULAR MEETINGS**

The regular meetings of the City Council shall be held on the second (2nd) and fourth (4th) Tuesday of each month at 7:00 p.m. at a location determined by motion of the corporate authorities. No meeting of the City Council or any other meeting required to be open to the public shall be held on a legal holiday unless the regular meeting day falls on that holiday. If there is no quorum present, the meeting shall be held on the next business day at the same hour and place, unless the members present shall adjourn to another time.

### **SECTION 1-1-2           SPECIAL MEETINGS**

Special meetings may be called by the Mayor or by any three (3) aldermen by written notice. At least twenty-four hours (24) written notice shall specify the time and purpose of such meeting and shall be delivered to each member of the City Council and the City Clerk, and notice shall be given to the public pursuant to the Open Meetings Act.

### **SECTION 1-1-3           ORDER OF BUSINESS**

The Order of Business shall be determined from time to time by motion of the City Council.

### **SECTION 1-1-4           PROCEDURES AND RULES**

The procedures and rules of the City Council shall be determined in accordance with the most recent edition of Robert’s Rules of Order, Revised. The City Council shall have the right to amend these rules and set additional rules by ordinances and motion as the council deems necessary from time to time. (Ord. 1993-01)

### **SECTION 1-1-5           CITY COUNCIL TERM**

The City council shall consist of eight (8) aldermen who shall be elected to office for a four- year term and until their successors are elected and qualified except that pursuant to 65 ILCS 5/3.1.-20-35, after the first municipal election, aldermen so elected shall draw lots to determine which aldermen in each ward shall hold office for two (2) years and which for four (4) years. Thereafter, all aldermen elected shall hold this office for four (4) years. The Aldermen shall take office at the second regular meeting of the City council held in the month of April following the general municipal election. (Ord. 1995-10)

SECTION 1-1-6 CITY COUNCIL OATH

Before entering upon the duties of aldermen, all persons shall take and subscribe the oath of office as prescribed by statute. This oath so subscribed shall be filed in the Office of the City Clerk. The oath shall be in substantially the following form.

Each prospective holder of a State office or other State position created by this Constitution, before taking office, shall take and subscribe to the following oath or affirmation:

I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of to the best of my ability.

(Source: Illinois Constitution) III. CONST. 1970 ART. XIII-SECTION 3

SECTION 1-1-7 CITY COUNCIL COMPENSATION

Compensation for each alderman shall be set by ordinance by the corporate authorities. Compensation for aldermen shall not be increased nor decreased during his or her term. Any increases or decreases for subsequent terms shall be adopted no less number of days prior to the general election than specified by State law. (Ord. 1993-01 and 1995-10)

SECTION 1-1-8 CITY COUNCIL WARDS

The City of West Peoria is hereby divided into four (4) wards as shown on Exhibit A attached hereto and made a part hereof

Pursuant to State law, 65 ILCS 5/3.1-20-35, two (2) aldermen shall be elected from each ward in the City election. After the first such election to be held in April, 1995, as provided by the General Election Law, aldermen elected shall draw lots to determine which aldermen shall hold office for a four (4) year term and until a successor is elected and has qualified and which shall hold office for a two (2) year term and until a successor is elected and qualified. All aldermen thereafter elected shall hold office for a term of four (4) years and until their successors have been elected and qualified. (Ord. 1994-33)

SECTION 1-1-9 ADDRESSING CITY COUNCIL

Any person shall be permitted an opportunity to address the City Council at any open meeting of the City Council of the City of West Peoria or address any committee of the City Council at any of its open meetings or to address any open meeting of any City of West Peoria board or commission for a period not to exceed five (5) minutes. (Ord. 1993-01, 1995-10, 2011-01)

SECTION 1-1-10 RULES GOVERNING REMOTE MEETING ATTENDANCE

If a quorum of the members of corporate authorities of the City of West Peoria is physically present as required by Section 2.01 of the Open Meetings Act, a majority of the public body may allow a member of the corporate authorities to attend a Regular or Special Meeting by electronic means if the member is prevented from physically attending because of (a) personal illness or disability, (b) absence from the corporate limits of the City for personal employment purposes or for the business of the City, or (c) a family or other emergency. "Electronic means" shall mean a teleconference or any other means that enables concurrent ability to communicate with the member who is not physically present.

Any member planning to attend a Regular or Special Meeting by electronic means shall give written notice of his or her intent to the City Clerk and City Administrator. The notice shall be given at least 72 hours prior to the Meeting. If the giving of the notice is not possible or is impracticable prior to the 72-hour

deadline, then the member shall give notice at the member's earliest opportunity. The notice may be given by personal delivery, mail, fax transmission, e-mail, or other electronic means which creates a record of notice. The notice shall state the reason that prevents the member from physically attending the Meeting.

If the presiding officer of the public body is attending the Meeting by electronic means, then the person who acts in the absence of the presiding officer shall chair the Meeting. If there is none, then the presiding officer shall appoint a member of the public body who is physically present at the Meeting to serve as chair of the Meeting. The appointment of a chair shall be subject to the advice and consent of the public body. The presiding officer who is participating by electronic means shall be authorized to participate in the Meeting to the extent authorized by law or ordinance except for those acts involved with chairing the Meeting.

Any Alderman who is part of the quorum physically present at the Regular or Special Meeting as required by Section 2.01 of the Open Meetings Act may request that a vote be taken concerning whether the Alderman who is not physically present may attend such Meeting by electronic means. The question shall be decided by a majority vote of the City Council.

(Ord. 2021-29)



# **TITLE 1    ADMINISTRATION**

## **CHAPTER 2            CITY GOVERNMENT**

- 1-2-1   Corporate Seal
- 1-2-2   Fiscal Year
- 1-2-3   Copies of City Records
- 1-2-4   Elected Officers

### **SECTION 1-2-1            CORPORATE SEAL**

This seal hereto provided and used by the City of West Peoria, circular in form the impression on which are the words "City of West Peoria, Illinois Corporate Seal" shall be and is hereby established and declared to be the corporate seal of the City. The seal shall remain in the custody of the City Clerk to be used by the City Clerk as required by law.

### **SECTION 1-2-2            FISCAL YEAR**

The first fiscal year of the City shall commence on the date of incorporation, November 8, 1993, and close on April 30, 1994. Subsequently, the fiscal year of the City shall commence on the 1st day of May of each and every year and close on the 30th day of April of the year following.

### **SECTION 1-2-3            COPIES OF CITY RECORDS**

Except as otherwise provided by law the charge for copies of City ordinances, resolutions, and other records of the City shall be such amount as established from time to time by motion of the City Council in an amount to compensate the City for its cost to reproduce such material. Copies of all records and inspections of records shall be available as provided in the Freedom of Information Act upon written request to the City Clerk.

### **SECTION 1-2-4            ELECTED OFFICERS**

The elected officers of the City of West Peoria shall be as follows: Mayor, City Clerk, Treasurer, and eight (8) Aldermen.

(Ord. 1993-01)

# **TITLE 1    ADMINISTRATION**

## **CHAPTER 3            OFFICE OF MAYOR**

- 1-3-1    Term
- 1-3-2    Oath
- 1-3-3    Bond
- 1-3-4    Compensation
- 1-3-5    Powers and Duties

### **SECTION 1-3-1            TERM**

The Mayor shall be elected by the electors of the City for a term of four (4) years and until a successor is elected and qualified. The Mayor shall take office at the second regular meeting of the City Council held in the month of April following the general municipal election.

### **SECTION 1-3-2            OATH**

Before entering upon the duties of the office of Mayor, the Mayor shall take and subscribe the oath of office as prescribed by statute. This oath so subscribed shall be filed in the office of the City Clerk.

### **SECTION 1-3-3            BOND**

The Mayor before entering upon the duties of Mayor shall execute a bond in the amount of \$3,000 conditioned upon the faithful performance of the Mayor's duties. Such bond shall be approved by the corporate authorities and filed with the City Clerk. The premium of such bond shall be paid by the City.

### **SECTION 1-3-4            COMPENSATION**

The Mayor shall receive such compensation as set by ordinance by the corporate authorities. The compensation set shall not be increased or decreased during the term for which the Mayor is elected. Any increases or decreases for succeeding terms shall be adopted no less number of days prior to the general election than specified by State law.

### **SECTION 1-3-5            POWERS AND DUTIES**

The Mayor shall be the official head of the City for all legal purposes. The Mayor shall have the power and authority to examine all books and records relating to City business kept by any City agent, employee, or officer. The Mayor shall sign all proclamations, commissions, resolutions, and ordinances except as otherwise provided by law. The Mayor shall appoint with the advice and consent of the City Council all members of boards, commissions, and committees as may be authorized by ordinance or resolution of the City Council. The Mayor shall preside at all meetings of the City Council. The Mayor shall not vote on any ordinance, resolution, or motion except:

- A. Where the vote of the City Council has resulted in a tie,
- B. Where a majority of the City Council has voted in favor of an ordinance, resolution, or motion even if there is no tie, or
- C. Where a vote greater than the majority of the corporate authorities is required by statute.
- D. In addition to the foregoing, the Mayor shall perform all other duties and acts and have all additional powers that may be prescribed by the laws of the State of Illinois or ordinances of the City of West Peoria.

(Ord. 1993-01 and 1995-10)

## **TITLE 1    ADMINISTRATION**

### **CHAPTER 4            LIQUOR COMMISSION**

#### **1-4-1    Liquor Commission**

#### **SECTION 1-4-1            LIQUOR COMMISSION**

A three (3) member board established and appointed by the local Liquor Commissioner (Mayor). Hears cases regarding liquor infractions and denials, revocations and nonrenewal of license and makes recommendations to the local Liquor Commissioner for final action.

# TITLE 1 ADMINISTRATION

## CHAPTER 5 PERSONNEL

- 1-5-1 Code Enforcement Officer
- 1-5-2 Deputy Code Enforcement Officer
- 1-5-3 Street Department and Manager of Streets
- 1-5-4 City Administrator
- 1-5-5 City Clerk
- 1-5-6 Deputy Clerk
- 1-5-7 City Treasurer
- 1-5-8 City Attorney
- 1-5-9 City Finances Regarding Bill Paying and Purchase Orders

### SECTION 1-5-1 CODE ENFORCEMENT OFFICER

The Office of Code Enforcement Officer shall be filled by City Administrator with the consent of the Mayor. The Code Enforcement Officer shall be an at-will employee and shall not be appointed for any specific term. Before entering upon the duties of the office of Code Enforcement Officer, the Code Enforcement officer shall execute a bond as provided by law in the penal sum of not less than \$1,000. The bond shall be filed with the City Clerk. The Code Enforcement Officer shall receive the compensation set by the City Council in the personnel manual of the City of West Peoria.

The duties of the Code Enforcement Officer shall be to inspect properties in the City and to send Notices and Citations of non-compliance with City Ordinances 1994-03, 1994-07, 1994-13, 1994-15, 1994-16 and 1994-21, as provided in those ordinances, amendments to those ordinances as made from time-to-time and such other ordinances of the City as may hereafter be adopted in which the Code Enforcement Officer is authorized to take action. The Code Enforcement Officer is further vested by the Mayor and Council to take whatever action the Mayor and City Council are authorized to take in the ordinances set forth in this paragraph or as set forth in applicable law. For purposes of enforcing the ordinances of the City of West Peoria, the Code Enforcement Officer shall be vested with police power in the enforcement of Code compliance and issuance of citations for ordinance violations. The Mayor and the City Council shall have the power to establish additional duties as they deem necessary from time to time. (Ord. 1994-25 and 1995-04)

### SECTION 1-5-2 DEPUTY CODE ENFORCEMENT OFFICER

The duties of the Deputy Code Enforcement Officer shall be as follows:

- A. To act as Assistant to the Code Enforcement Officer.
- B. To perform the duties, functions, and responsibilities of the Code Enforcement Officer in the absence of the Code Enforcement Officer.
- C. To perform other duties as may be assigned by the Code Enforcement Officer or created by the City Council.

The Deputy Code Enforcement Officer shall have the same powers as those granted to the Code Enforcement Officer. The Deputy Code Enforcement Officer shall be an at-will employee and shall not be appointed for any specific term. Before entering upon the duties of the office of Deputy Code Enforcement Officer, the Deputy Code Enforcement officer shall execute a bond as provided by law in the penal sum of not less than \$1,000. The bond shall be filed with the City Clerk. The Deputy Code Enforcement Officer shall receive the compensation set by the City Council in the personnel manual of the City of West Peoria. (Ord. 1997-20)

SECTION 1-5-3

STREET DEPARTMENT AND MANAGER OF STREETS

Street Department Created: There is hereby created a Street Department for the City which shall consist of a Manager who shall be in charge of the Department and such other employees as may be provided for from time to time by the City Council. The Manager shall be appointed by the Mayor with the advice and consent of the City Council. Termination shall be in the same manner. The compensation of the Manager and employees shall be fixed by the City Council.

Manager of Street Department

General Powers and Duties:

- A. Streets, sidewalks, and storm sewers. Have charge of the construction and maintenance of public streets, alleys, and sidewalks, storm sewers, and drainage systems.
- B. Employees. All employees assigned to the Street Department shall perform their duties subject to the orders and supervision of the Manager of Streets.
- C. City Property. Be the custodian of all equipment and real estate owned or leased by the City which is used by the Street Department and keep such equipment and property in good condition.
- D. Budget. Prepare department budget, determine department equipment and material needs, and establish project priorities.
- E. Resident Requests. Responds to technical calls, requests, or complaints from residents.
- F. Other Duties. Performs such other duties as provided in a detailed job description adopted by motion of the City Council and as amended from time to time.

Length of Appointment. The Manager shall be an at-will employee and shall not be appointed for any specific term. (Ord. 1994-08)

SECTION 1-5-4

CITY ADMINISTRATOR

The position of City Administrator is hereby created.

The City Administrator shall be appointed and removed by the Mayor with the advice and consent of the City Council and shall be selected on the basis of qualification for the position without regard to political activity, affiliation, or belief and shall not be required to be a resident of the City. The City Administrator shall at all times be under the sole direction of the Mayor. The City Council shall determine the remuneration to be provided to the City Administrator.

The primary duties, functions, and responsibilities of the City Administrator shall be to act as the Assistant to the Mayor and as the Chief Administrative Officer of the City.

The secondary duties, functions, and responsibilities of the City Administrator shall be as follows:

- A. To assist in the execution and administration of the directives, policies, practices, procedures, and programs established by the City Council;
- B. To assist in the preparation of the appropriation ordinance and the budget;
- C. To act as liaison between the City and the organizations of which the City is a member and other units of government;
- D. To assist the City Officials, both elected and appointed, and the Heads of the Departments in the performance of the duties, functions, and responsibilities of their respective offices or positions; and,
- E. Those duties, functions, and responsibilities that may be assigned by the Mayor or created by the City Council.

SECTION 1-5-5 CITY CLERK

**TERM:** The City Clerk shall be elected to office for a four (4) year term and until a successor is elected and qualified as provided by statute. The Clerk shall take office at the second regular meeting of the City Council held in the month of April following the general municipal election.

**OATH:** Before entering upon the duties of office, the City Clerk shall take and subscribe the oath of office and shall execute a bond in the amount of \$1,000 conditioned upon the faithful performance of the Clerk's duties. Premium of such bond shall be paid by the City. The Bond shall be filed with the City Clerk.

**COMPENSATION:** The City Clerk shall receive such compensation as set by ordinance of the Corporate Authorities. The compensation set shall not be increased nor decreased during the term for which the clerk is elected. Any increases or decreases for subsequent terms shall be adopted no less number of days prior to the general election than specified by State law

**POWERS AND DUTIES:** The City Clerk shall keep all records and reports as required by statute or ordinance from time to time. The Clerk shall keep on file bonds required of any officers and the oath of office of all officers. The Clerk shall be the custodian of the City seal and shall affix its impression on documents whenever required. The Clerk shall attend all regular and special meetings of the City Council and keep a full record of its proceedings. The Clerk shall give notice of all special meetings of the City Council. The Clerk shall also be the collector and will have the authority to collect money on behalf of the City. The Clerk shall turn over all money collected to the City Treasurer. The Clerk shall keep and maintain a proper index to all documents and records, shall publish in pamphlet form all ordinances provided by statute, shall carry out all duties relating to City elections as may be authorized by the state statute.

(Ord. 1993-01 and 1995-10)

SECTION 1-5-6 DEPUTY CLERK

The Clerk shall appoint a Deputy Clerk to work in the absence of the City Clerk.

**OATH:** Before entering upon the duties of office, the Deputy Clerk shall take and subscribe the oath of office and shall execute under the bond of the City Clerk conditioned upon faithful performance of the Clerk's duties by the Deputy Clerk.

**COMPENSATION:** The Deputy Clerk's hours and rate per hour shall not exceed that of the City Clerk.

**POWERS AND DUTIES:** The Deputy Clerk shall be responsible for the Clerk's duties and power to affix the seal of the City.

(Ord. 1994-05)

SECTION 1-5-7 CITY TREASURER

**TERM:** The City Treasurer shall be elected by the electors of the City for a term of four (4) years and until a successor is elected and qualified. The Treasurer shall take office at the second regular meeting of the City Council held in the month of April following the general municipal election.

**OATH:** Before entering upon the duties of the office of Treasurer, the Treasurer shall take and subscribe the oath of Office as prescribed by statute. This oath shall be filed in the office of the City Clerk.

**BOND:** Before entering upon the duties of the office of Treasurer, the Treasurer shall execute a bond in the amount not less than that required by statute, an amount set by City Council. Such bond shall be approved by the Corporate Authorities and filed with the City Clerk. The premium of such bond shall be paid by the City.

**COMPENSATION:** The Treasurer shall receive such compensation as set by ordinance of the Corporate Authorities. The compensation set shall not be increased or decreased during the term for which the

Treasurer is elected. Any increases or decreases for subsequent terms shall be adopted no less number of days prior to the general election than specified by State law.

**POWERS AND DUTIES:** The City Treasurer shall receive all money collected by other officers or employees. The City Treasurer shall deposit the municipal funds in such depositories as may be selected from time to time by ordinance by the Corporate Authorities in accordance with statutes. The Treasurer shall keep the deposit of the municipal monies separate and distinct from the Treasurer's own funds and shall not make private or personal use of any municipal money. The City Treasurer shall keep records showing all money received showing the source from which it is received and the purpose for which it is paid. The Treasurer shall keep records at all times showing the financial status of the City. The Treasurer shall keep such books and accounts, and in such manner, as required by statute or ordinance. The Treasurer shall render an account to the City Council monthly showing the state of the Treasury at the date of the account and balance of the money in the treasury and showing all monies received into the treasury with bonds and vouchers paid by the City. Prior to the end of the first six (6) months of each fiscal year, the Treasurer shall prepare and file with the City Clerk an account of all monies received and expenditures incurred during the preceding fiscal year as prescribed by statute. A copy of the annual account of the Treasurer shall also be filed with the county collector together with an affidavit of the City Clerk certifying its publication. In addition to the duties herein provided, the Treasurer shall perform other duties and functions as may be required by statutes or ordinance. (Ord. 1993-01)

#### SECTION 1-5-8 ATTORNEY FOR THE CITY

The Attorney for the City shall be appointed by the Mayor with the advice and consent of the City Council on such contract terms as shall be approved. The City Attorney shall receive such compensation as may from time to time be provided by contract, motion, or ordinance. The Attorney for the City shall perform the following duties:

- A. Prosecute or defend any and all suits or actions at law or equity to which the City may be a party or in which the City may be interested.
- B. Advise the Mayor and City Council in all matters of law in which the interest of the corporation are involved.
- C. At the request of the Mayor or City Council, prepare all ordinances and resolutions, contracts, leases, and other documents to which the City may be a party.
- D. The Attorney for the City shall attend all regular and special meetings of the City Council and such other meetings when requested by the Mayor or City Council. The Corporate Authorities may from time to time employ additional lawyers to perform specialized consulting or advisory services to the Attorney for the City. (Ord. 1993-01)

#### SECTION 1-5-9 CITY FINANCES REGARDING BILL PAYING AND PURCHASE ORDERS

##### A. Payment of Bills

1. All bills payable by the City, other than for the payment of salaries and related payroll taxes established by the Mayor and City Council, for monthly utilities, and for rent or installment payable under leases or installment contracts which have been approved by the Mayor and City Council, shall be submitted to the Finance Committee appointed by the Mayor. A list of all bills paid or to be paid shall be submitted by the Finance Committee and City Council for approval. (Ord. 1994-19)
2. The Treasurer shall disburse funds in accordance with the bill list previously approved by the Mayor and Council for items listed in Paragraph 1 above and for purchase orders in accordance with Section B. (Ord. 1994-19)

## B. Purchase Orders

1. All purchase orders shall be pre-numbered. Purchase orders may be approved and signed by the following individuals up to the respective expenditure amount without further approval by the City Council:
  - a) Mayor \$ 3,000.00
  - b) City Clerk \$ 250.00
  - c) Street Department Manager \$ 1,500.00
  - d) Other purchases, including any purchases over \$3,000, lease commitments, or purchase installments with a term greater than six (6) months, must be approved by the City Council. (Ord. 2007-01)
2. Purchase orders must be used for all purchases, other than those explicitly exempt by ordinance or be action of the City Council. Exempt by ordinance may include regular installments on agreed upon contracts, which have been authorized by the City Council. (Ord. 1994-19)
3. Purchase orders shall show the line item of the budget from which the expenditure is to be made. For items purchased where payment is required at time of purchase, the Treasurer shall issue a check presented with a signed and approved purchase order. (Ord. 1994-19)
4. Purchase order copies and unused forms shall be maintained by the City Clerk (Ord. 1994-19)
5. Procedure to request a purchase order. An authorized party (Section 1.01) shall make a request to the appropriate party based on the expected dollar value of the expenditure. If approved by the respective party, it is that party's responsibility to draft a purchase order. The Clerk shall log the purchase order. The log shall maintain the purchase order number, date of issuance, amount of request, payee, person requesting the purchase order and documented approval notification. (Ord. 1994-19)
6. Purchase order requests denied may be resubmitted for approval. (Ord. 1994-19)
7. The City Clerk shall have the following responsibilities with respect to the purchase order process:
  - a) To ensure the timely resolution of outstanding purchase orders.  
To compare and match all pertinent information (including payee, amount, related descriptions) on the purchase order to the respective bill. Note: For the purposes of comparing amounts, differences of five percent (5%) of the purchase order amount when the differences is less than \$100 is considered "matched". All other differences should be forwarded to the finance committee for resolution.
  - b) To ensure the receipt of the good or service is documented. For the purposes of this section acknowledgement of receipt shall be constituted by signature of the respective authorizing individual on the bill or purchase order. (Ord. 1994-19)

## C. Finance Committee

1. Responsibilities of the Finance Committee. The Finance Committee for each fiscal year shall prepare an annual working budget and an Appropriation Ordinance to be submitted to the City Council for approval. The working budget shall be in detail and shall show all anticipated expenditures and revenues by line item. The appropriation ordinance shall be in the form required by Statute. The budget shall be prepared prior to May 1 of each year. The appropriation ordinance shall be prepared as required by Statute. (Ord. 1994-19)
2. Bill approval. The Finance Committee shall review all bills and present a bill list for approval to the City Council. (Ord. 1994-19)
3. The Finance Committee shall keep track of the amounts remaining in each budget account, report to the City Council, and shall recommend amendments to the budget as deemed desirable to the committee to the City Council. (Ord. 1994-19)
4. The Finance Committee shall consist of three (3) City councilpersons. The Treasurer shall be an ex-officio member. The Committee shall be appointed by the Mayor with the advice and consent of the City Council. (Ord. 1994-19)

# TITLE 1 ADMINISTRATION

## CHAPTER 6 ETHICS

- 1-6-1 Definitions
- 1-6-2 Prohibited Political Activities
- 1-6-3 Gift Ban
- 1-6-4 Exceptions
- 1-6-5 Disposition of Gifts
- 1-6-6 Ethics Advisor, Appointment
- 1-6-7 Ethics Advisor, Duties
- 1-6-8 Penalties

### SECTION 1-6-1 DEFINITIONS

For purposes of this ordinance, the following terms shall be given these definitions:

**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 ILCS 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 ILCS 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 Ordinance, 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 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 ILCS 5/9-1.4).

**Employee:** means a person employed by the City of West Peoria, 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 of West Peoria.

**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.

**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 ILCS 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:

- A. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- B. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- C. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- D. 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.
- E. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome 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.
- F. 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.
- G. 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.
- H. 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.
- I. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- J. Preparing or reviewing responses to candidate questionnaires.
- K. 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.
- L. Campaigning for any elective office or for or against any referendum question.
- M. Managing or working on a campaign for elective office or for or against any referendum question.
- N. Serving as a delegate, alternate, or proxy to a political party convention.
- O. Participating in any recount or challenge to the outcome of any election.

**Prohibited source:** means any person or entity who:

- A. Is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- B. 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;
- C. Conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- D. Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

## SECTION 1-6-2 PROHIBITED ACTIVITIES

### A. 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 of West Peoria 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 employment, 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 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 Ordinance.
- 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.

### B. Participation in City Benefit Programs

- 1. All elected and appointed officials of the City of West Peoria are prohibited from participating in the City's benefit programs. For purposes of this Section, "benefit program" shall include, but not be limited to, the following:
  - a. The City of West Peoria Paint Program
  - b. The City of West Peoria Neighborhood Safety Improvement Grant Program
  - c. Any Tax Increment Financing (TIF) Reimbursements

2. The penalty for participating in a City benefit program in violation of this Section shall be determined by a vote of this City Council. Penalties may include, but shall not be limited to, the following: censure, monetary fine, and removal from appointive office. A penalty shall not be imposed pursuant to this Section unless a majority of those council members holding office have voted in favor of the penalty. The Mayor may only vote under those circumstances where voting is allowed by Illinois statute.

(Ord. 2020-10)

### SECTION 1-6-3 GIFT BAN

Except as permitted by this Article, 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.

### SECTION 1-6-4 EXCEPTIONS

Section 1-6-3 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 fundraising 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, meaning those people related to the individual 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 individual's spouse and the individual's fiancé or fiancée.
- 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, "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. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- K. Bequests, inheritances, and other transfers at death.
- L. 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 is mutually exclusive and independent of every other.

(Ord. 2004-11)

#### SECTION 1-6-5 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 Ordinance 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.

#### SECTION 1-6-6 ETHICS ADVISOR, APPOINTMENT

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

#### SECTION 1-6-7 ETHICS ADVISOR, DUTIES

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

#### SECTION 1-6-8 PENALTIES

- A. A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days and may be fined in an amount not to exceed \$2,500.
- B. A person who intentionally violates any provision of Article 3 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- C. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, 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 three hundred sixty-four (364) days and may be fined in an amount not to exceed \$2,500.
- D. A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the City of West Peoria 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. A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the City of West Peoria, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

- E. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

# **TITLE 1     ADMINISTRATION**

## **CHAPTER 7            BUDGET OFFICER**

- 1-7-1   Adoption of Budget Officer System
- 1-7-2   Budget Officer
- 1-7-3   Powers and Duties of Budget Officer
- 1-7-4   Compilation and contents of budget
- 1-7-5   Passage of annual budget – Effect
- 1-7-6   Capital improvement, repair, or replacement fund
- 1-7-7   Revision of annual budget
- 1-7-8   Funds for contingency purposes
- 1-7-9   Public inspection, notice, and hearing on budget

### **SECTION 1-7-1           ADOPTION OF BUDGET OFFICER SYSTEM**

Sections 8-2-9.1 through 8-2-9.10 of the Illinois Municipal Code (65 ILCS 5/8-2-9.1 through 65 ILCS 5/8-2-9.10) are hereby adopted.

### **SECTION 1-7-2           BUDGET OFFICER**

The office of Budget Officer is hereby created.

The Budget officer shall be designated by the Mayor, with the approval of the Corporate Authorities. The Budget Officer shall take an oath and post a bond as provided by law. The Budget Officer may hold another municipal office, either elected or appointed, and may receive compensation for both offices.

The Budget Officer shall serve at the pleasure of the Mayor.

### **SECTION 1-7-3           POWERS AND DUTIES OF BUDGET OFFICER**

- A. Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all City departments, commissions, and boards.
- B. Compile an annual budget in accordance with Section Four (4) of this Ordinance.
- C. Examine all books and records of all City departments, commissions, and boards which relate to monies received by the City, City departments, commissions, and boards, and paid out by the City, City departments, commissions, and boards, debts and accounts receivable, amounts owed by or to the City, City departments, commissions, and boards.
- D. Obtain such additional information from the City, City departments, commissions, and boards as may be useful to the Budget Officer for purposes of compiling a City budget, such information to be furnished by the City, City departments, commissions, and boards in the 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 City department, commission, or board shall comply in full with the request of the Budget Officer.
- E. Establish and maintain such procedures as shall insure that no expenditures are made by the City, City departments, commissions, or boards except as authorized by the budget.

SECTION 1-7-4 COMPILATION AND CONTENTS OF BUDGET

- A. The Budget Officer shall compile a budget, such budget to 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 of the City’s departments, commissions, and boards.
- B. 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, the Auditor of Public Accounts of the State of Illinois, or the Division of Local Governmental Affairs and Property Taxes of the Department of Revenue of the State of Illinois or successor agencies shall be deemed proof of such conformity.
- C. The budget shall contain actual or estimated revenues and expenditures for the two (2) years immediately preceding the fiscal year for which the budget is prepared. So far as is possible, the fiscal data for such two (2) preceding fiscal years shall be itemized in a manner which is in conformity with the chart of accounts approved above.
- D. Each budget shall show the specific fund from which each anticipated expenditure shall be made.

SECTION 1-7-5 PASSAGE OF ANNUAL BUDGET – EFFECT

- A. Passage of the annual budget by the Corporate Authorities shall be in lieu of passage of the appropriation ordinance as required by law.
- B. The annual budget need not be published except in a manner provided for in Section 1-7-8 of this Code but shall be available for public review as required by State law.
- C. The annual budget shall be adopted by the Corporate Authorities before the beginning of the fiscal year to which it applies.

SECTION 1-7-6 CAPITAL IMPROVEMENT, REPAIR, OR REPLACEMENT FUND

- A. In the preparation by the Budget Officer of the annual budget, an amount may be accumulated in a separate fund for the purpose or purposes of specific capital improvements, repairs, and/or replacements of specific types of municipal equipment or other tangible property, both real and personal, to be designated as the “Capital Improvement, Repair, or Replacement Fund”.
- B. Expenditures from the Capital Improvement, Repair, or Replacement Fund shall be budgeted in the fiscal year in which the capital improvement, repair, or replacement will occur.
- C. Upon the completion or abandonment of any object for which the Capital Improvement, Repair, or Replacement Fund, or should any surplus monies remain after the completion or abandonment of any object for which the Capital Improvement, Repair, or Replacement Fund was inaugurated, then such funds no longer necessary for capital improvement, repair, or replacement shall be transferred into the general corporate fund of the City on the first day of the fiscal year following such abandonment, completion, or discovery of surplus funds.

SECTION 1-7-7 REVISION OF ANNUAL BUDGET

- A. The Corporate Authorities may delegate authority to heads of City departments, boards, or commissions to delete, add to, change, or create sub-classes within object classes budgeted previously to the department, board, or commission, subject to such limitation or requirement for prior approval by the Budget Officer or Mayor of the City as the City Council, upon a two-thirds (2/3) vote of the Corporate Authorities then holding office, may establish.

- B. By a vote of two-thirds (2/3) of the members of the Corporate Authorities then holding office, the annual budget for the City may be revised by deleting, adding to, changing, or creating sub-classes within object classes and object classes themselves.
- C. 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.

SECTION 1-7-8 FUNDS FOR CONTINGENCY PURPOSES

The annual budget may contain money set aside for contingency purposes not to exceed ten percent (10%) of the total budget, less the amount set aside for contingency purposes, which monies may be expended for contingencies upon a majority vote of the Corporate Authorities then holding office.

SECTION 1-7-9 PUBLIC INSPECTION, NOTICE, AND HEARING ON BUDGET

- A. The Corporate Authorities shall make the tentative annual budget conveniently available to public inspection for at least ten (10) days prior to the passage of the annual budget, by publication in the journal of the proceedings of the Corporate Authorities or in such other form as the Corporate Authorities may prescribe.
- B. Not less than one (1) week after the publication of the tentative annual budget, and prior to final action on the budget, the Corporate Authorities shall hold at least one (1) public hearing on the tentative annual budget, after which hearing or hearings the tentative budget may be further revised and passed without any further inspection, notice or hearing.
- C. Notice of this hearing shall be given by publication in a newspaper having a general circulation in the City at least one (1) week prior to the time of the hearing. (Ord. 1998-07)

# TITLE 1 ADMINISTRATION

## CHAPTER 8 IMPOSING AND ADMINISTERING TAX RIGHTS AND RESPONSIBILITIES

- 1-8-1 Title
- 1-8-2 Scope
- 1-8-3 Definitions
- 1-8-4 Notices
- 1-8-5 Late Payment
- 1-8-6 Payment
- 1-8-7 Certain Credits and Refunds
- 1-8-8 Audit Procedure
- 1-8-9 Appeal
- 1-8-10 Hearing
- 1-8-11 Interest and Penalties
- 1-8-12 Abatement
- 1-8-13 Installment Contract
- 1-8-14 Statute of Limitation
- 1-8-15 Voluntary Disclosure
- 1-8-16 Publication of Tax Ordinances
- 1-8-17 Internal Review Procedure of Liens
- 1-8-18 Application

### SECTION 1-8-1 TITLE

This ordinance shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Ordinance."

### SECTION 1-8-2 SCOPE

The provisions of this ordinance shall apply to the City's procedures in connection with all of the City's locally imposed and administered taxes.

### SECTION 1-8-3 DEFINITIONS

Certain words or terms herein shall have the meaning ascribed to them as follows:

**Act:** means the "Local Government Taxpayers' Bill of Rights Act."

**Corporate Authorities:** means the City's Mayor and City Council.

**Locally imposed and administered tax or tax:** means each tax imposed by the City that is collected or administered by the City not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fee collected by the City other than infrastructure maintenance fees.

**Local tax administrator:** means the City Administrator who is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this ordinance to give full effect to this ordinance. This exercise of such authority by the local tax administrator shall not be inconsistent with this

ordinance and the Act. In the event the City Administrator cannot fulfill these duties, the City Treasurer may temporarily fulfill the local tax administrator's duties.

**City:** means the City of West Peoria, Illinois.

**Notice:** means each audit notice, collection notice or other similar notice or communication in connection with each of the City's locally imposed and administered taxes.

**Tax Ordinance:** means each ordinance adopted by the City that imposes any locally imposed and administered tax.

**Taxpayer:** means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the City.

#### SECTION 1-8-4 NOTICES

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven (7) calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- A. First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or
- B. Personal service or delivery.

#### SECTION 1-8-5 LATE PAYMENT

Any notice, payment, remittance or other filing required to be made to the City pursuant to any tax ordinance shall be considered late unless it is (a) physically received by the City on or before the due date, or (b) received in an envelope or other container displaying a valid, readable U.S. Postmark dated on or before the due date, properly addressed to the City, with adequate postage prepaid.

#### SECTION 1-8-6 PAYMENT

Any payment or remittance received for a tax period shall be applied in the following order:

- A. First to the tax due for the applicable period;
- B. Second to the interest due for the applicable period; and
- C. Third to the penalty for the applicable period.

#### SECTION 1-8-7 CERTAIN CREDITS AND REFUNDS

- A. The City shall not refund or credit taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.
- B. The statute of limitations on a claim for credit or refund shall be four (4) years after the end of the calendar year in which payment in error was made. The City shall not grant a credit or refund of locally imposed and administered taxes, interest or penalties to a person who has not paid the amounts directly to the City.

- C. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:
- D. The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
- E. The name of the locally imposed and administered tax subject to the claim;
- F. The tax period for the locally imposed and administered tax subject to the claim;
- G. The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
- H. The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
- I. A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the City.
- J. Within ten (10) days of the receipt of the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
- K. Grant the claim, or
- L. Deny the claim, in whole or in part, together with a statement as to there reason for the denial or the partial grant and denial.
- M. In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of five percent (5%) per annum, based on a year of three hundred sixty-five (365) days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

SECTION 1-8-8            AUDIT PROCEDURE

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this ordinance.

- A. Each notice of audit shall contain the following information:
- B. The tax;
- C. The time period of the audit; and
- D. A brief description of the books and records to be made for the auditor.
- E. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within thirty (30) days after the originally designated audit and during normal business hours.
- F. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven (7) days nor more than thirty (30) days from the date the notice was given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty (30) days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

- G. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transaction which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the City.
- H. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the City. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
- I. If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within thirty (30) days of the City's determination of the amount of overpayment.
- J. In the event a tax payment was submitted to the incorrect local government entity, the local tax administrator shall notify the local government entity imposing such tax.

SECTION 1-8-9 APPEAL

- A. The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:
  - B. The reason for the assessment;
  - C. The amount of the tax liability proposed;
  - D. The procedure for appealing the assessment; and
  - E. The obligations of the City during the audit, appeal, refund and collection.
- F. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within forty-five (45) days of receipt of the written notice of the determination and assessment.
- G. If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within fourteen (14) days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.
- H. If a written protest and petition for hearing is not filed within the forty-five (45) day period, the tax determination, audit or assessment shall become a final bill and owing without further notice.
- I. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than ninety (90) days after the expiration of the forty-five (45) day period.

SECTION 1-8-10 HEARING

- A. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under section nine, above, the local tax administrator shall conduct a hearing regarding any appeal.

- B. No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed fourteen (14) days.
- C. At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.
- D. At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

**SECTION 1-8-11 INTEREST AND PENALTIES**

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

- A. Interest. The City hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be ten percent (10%) per annum, based on a year of three hundred sixty-five (365) days and the number of days elapsed.
- B. Late Filing and Payment Penalties. If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty-five percent (25%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

**SECTION 1-8-12 ABATEMENT**

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

**SECTION 1-8-13 INSTALLMENT CONTRACT**

If allowed by then current State law, the City may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered. Unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) day period or fails to demonstrate good faith in restructuring the installment contract with the local tax administrator, the installment contract shall be cancelled without further notice to the taxpayer.

**SECTION 1-8-14 STATUTE OF LIMITATION**

The City, through the local tax administrator, shall review all returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refunds or provide any tax still due and owing.

- A. No determination of tax due and owing may be issued more than four (4) years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
- B. If any tax return is not filed or if during any four (4) year period for which a notice of tax determination or assessment may be issued by the City, the tax paid was less than seventy-five percent (75%) of the tax due, the statute of limitations shall be six (6) years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.
- C. No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.

**SECTION 1-8-15 VOLUNTARY DISCLOSURE**

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent (1%) per month, for all periods prior to the filing of the application but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

**SECTION 1-8-16 PUBLICATION OF TAX ORDINANCES**

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall also satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office.

**SECTION 1-8-17 INTERNAL REVIEW PROCEDURE OF LIENS**

The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- A. Timely remove the lien at the City's expense;
- B. Correct the taxpayer's credit record; and
- C. Correct any public disclosure of the improperly imposed lien.

**SECTION 1-8-18 APPLICATION**

This ordinance shall be liberally construed and administered to supplement all of the City's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

(Ord. 2001-01)

**TITLE 1 ADMINISTRATION**

**CHAPTER 9 COMPENSATION OF OFFICERS**

**1-9-1 Annual Compensation**

**SECTION 1-9-1 ANNUAL COMPENSATION**

Annual compensation for each fiscal year for the following West Peoria Officers shall be set as follows:

Mayor & Liquor Commissioner:	\$ 9,000.00 (Ord. 2002-17)
City Clerk:	\$ 12,500.00
Treasurer:	\$ 3,600.00 (Ord. 1995-05)
Alderman:	\$ 1,200.00 (Ord. 2002-17)

# TITLE 1 ADMINISTRATION

## CHAPTER 10 BIDDERS

### 1-10-1 Responsible Bidder

#### SECTION 1-10-1 DEFINITION

**Responsible bidder:** for construction contracts means a bidder who meets all of the job specifications, the following applicable criteria, and can submit evidence of such compliance:

- A. All applicable laws prerequisite to doing business in Illinois.
- B. Evidence of compliance with
- C. Federal Employer Tax Identification Number or Social Security Number (for individuals).
- D. Provisions of Section 2000 (e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- E. Certificates of insurance indicating the following coverage: general, liability, worker's compensation, completed operations, automobile, hazardous occupation, products liability and professional liability.
- F. Compliance with all provisions of the Illinois Prevailing Wage Act for those trades covered in the Act.
- G. Participation in apprenticeship or training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training. (Ord. 2011-11)
- H. Agrees it will and also require its sub-contractors to turn in certified payroll on a weekly basis.

# **TITLE 1 ADMINISTRATION**

## **CHAPTER 11 SEXUAL HARASSMENT AND DISCRIMINATION**

- 1-11-1 Elected/Appointed Official Complaint Process
- 1-11-2 Sexual Harassment Prevention Training Program
- 1-11-3 Discrimination and Sexual Harassment Disclosure Requirement
- 1-11-4 Sexual Harassment Policy Acknowledgment Form

### **SECTION 1-11-1 ELECTED/APPOINTED OFFICIAL COMPLAINT PROCESS**

Any elected or appointed official who believes they have experienced or witnessed prohibited conduct by another elected or appointed official that is inconsistent with the City's Policy Prohibiting Sexual Harassment may report such information to the head of the governing body. If the head of the governing body is the source of the sexual harassment, the report shall be made to the attorney for the City. It is not necessary for sexual harassment to be directed at the person making the report, so long as the person making the report is an elected or appointed official.

Following the report of a sexual harassment allegation against an elected or appointed official by an elected or appointed official of the governmental unit, the City will initiate an investigation through the use of an independent investigator experienced in investigating workplace harassment complaints.

### **SECTION 1-11-2 SEXUAL HARASSMENT PREVENTION TRAINING PROGRAM**

Illinois law requires all employers, including governmental units, to provide sexual harassment prevention training to all employees at least once per year. Beginning January 1, 2020 and by each January 1 thereafter, each employee of the City of West Peoria must complete a sexual harassment prevention training program. The sexual harassment prevention training program shall include, at a minimum, the following:

- A. An explanation of sexual harassment consistent with the Illinois Human Rights Act;
- B. Examples of conduct that constitutes unlawful sexual harassment;
- C. A summary of relevant federal and State statutory provisions concerning sexual harassment, including remedies available to victims of sexual harassment; and
- D. A summary of the City's responsibilities in the prevention, investigation, and corrective measures of sexual harassment.

When the Department of Human Rights' model training program is made available, it shall be used unless it would cause the City to be noncompliant with other State law (such as the State Officials and Employees Ethics Act). If the model training program is deemed inadequate or is not available when training is to be conducted, such training shall be conducted by the attorneys for the City of West Peoria.

If the City of West Peoria fails to provide the required training at least once per year to all employees of the City, the Department of Human Rights will issue a notice giving the City 30 days to provide such training. Failing to provide such training within 30 days after issuance of the notice will result in a civil penalty pursuant to 775 ILCS 5/8-109.1.

### **SECTION 1-11-3 DISCRIMINATION AND SEXUAL HARASSMENT DISCLOSURE**

Illinois law requires all employers, including governmental units, to annually make disclosures regarding adverse judgments or administrative rulings to the Illinois Department of Human Rights. Beginning July 1, 2020 and by each July 1 thereafter, the City of West Peoria shall annually disclose to the Illinois Department of Human Rights the following information:

- A. The total number of adverse judgments or administrative rulings during the preceding year;
- B. Whether any equitable relief was ordered against the City in any adverse judgment or administrative ruling; and
- C. The number of adverse judgments or administrative rulings in each of the following categories:
  - 1. Sexual harassment;
  - 2. Discrimination or harassment on the basis of sex;
  - 3. Discrimination or harassment on the basis of race, color, or national origin;
  - 4. Discrimination or harassment on the basis of religion;
  - 5. Discrimination or harassment on the basis of age;
  - 6. Discrimination or harassment on the basis of disability;
  - 7. Discrimination or harassment on the basis of military status or unfavorable discharge from military status;
  - 8. Discrimination or harassment on the basis of sexual orientation or gender identity; and
  - 9. Discrimination or harassment on the basis of any other characteristic protected under the Illinois Human Rights Act (775 ILCS 5/1-101 *et seq.*).

When making a required disclosure under this Section, the City of West Peoria shall not provide the name of the victim of the alleged sexual harassment or unlawful discrimination. If the City fails to make a required disclosure, the Department of Human Rights will issue a notice giving the City 30 days to make the disclosure. Failing to make the required disclosure(s) within 30 days will result in a civil penalty pursuant to 775 ILCS 5/8-109.1.

#### SECTION 1-11-4      SEXUAL HARASSMENT POLICY ACKNOWLEDGMENT FORM

Within seven (7) days of taking office, all elected and appointed officials for the City of West Peoria shall sign and submit to the City Administrator an Acknowledgment Form representing that the elected or appointed official has read the City of West Peoria Policy Prohibiting Sexual Harassment and understands the contents therein. The City's Policy Prohibiting Sexual Harassment and the accompanying Acknowledgment Form shall be provided to each elected or appointed official by the City Administrator upon the elected or appointed official taking office.

(Ord. 2020-10)