

TITLE 1

ADMINISTRATION

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CHAPTER 1

OFFICIAL MUNICIPAL CODE

SECTION:

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1-1-1: TITLE:

A. This City Code is declared by the Genoa City Council to be and shall hereafter constitute the official Code of the City of Genoa. All references herein to the "Code", the "City Code", the "Municipal Code", the "Genoa City Code" or similar references shall all be considered to be references to this Code. .

1-1-2: ACCEPTANCE AND INTERPRETATION:

A. The City Code, as hereby presented, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Code. (1993 Code)

B. Any additions or amendments to this Code are to be incorporated in this Code, so that a reference to the Code shall include all such additions and amendments.

C. The provisions of this Code shall be cumulative in effect, and if any provision is inconsistent with another provision of this Code or with any other Ordinance not expressly repealed by the passage of this Code, it shall be considered as an alternative or additional power and not as a limitation upon any other authority granted by this Code.

1-1-3: JURISDICTION:

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the City. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the City to regulate such particular acts outside the corporate limits. (1978 Code §1.05)

1-1-4: AMENDMENTS:

Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code.

1-1-5: CODE MAINTENANCE AND ALTERATIONS:

A. The official copy of this Code shall be updated and maintained by the City Clerk and kept at City Hall, available for public inspection during business hours. The City Clerk shall see that any amendments or replacement pages are properly inserted in the official copy maintained in the office of the Clerk.

B. Absent authority from the City Council for changes or updates to the Code (or for the City Clerk to correct unambiguous scrivener errors), it shall be unlawful for any person to alter, change, replace or deface in any way any section or any page in the official copy of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted.

CHAPTER 2 SAVING CLAUSE

SECTION:

1-2-1: Repeal of General Ordinances

1-2-2: Public Utility Ordinances

1-2-3: Court Proceedings

1-2-4: Severability Clause

1-2-1: REPEAL OF GENERAL ORDINANCES:

A. All general ordinances of the City passed prior to the adoption of this City Code and not included in this Code are hereby repealed, except for the following which are hereby continued in full force and effect:

1. All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this Code of Ordinances;
2. Ordinances authorizing contracts or the issue of municipal notes or bonds;
3. Ordinances levying taxes or making special assessments;
4. Ordinances appropriating funds or establishing salaries;
5. Ordinances granting franchises or rights to corporations;
6. Ordinances relating to the establishment, dedication, opening, grading, naming, improvement, altering, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
7. Ordinances relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities, excepting as the City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only;
8. Ordinances respecting the annexation of territory to the City, or boundaries of the City, or conveyance or acceptance of real property or easements in real property;
9. Ordinances authorizing or relating to particular public improvement;
10. Ordinances relating to elections;
11. Ordinances establishing zoning or approving subdivisions, , , including ordinances changing zoning classifications and granting variances and special uses;
12. Any other special ordinances not in conflict with the provisions of this Code.

B. The provisions of this Code, so far as they are the same in substance as those heretofore existing, are continuations of such ordinances and not new enactments. Any act done, offence committed or right accruing or acquired, or liability, penalty, forfeiture, or punishment incurred prior hereto shall not be affected, but may ne enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the repeal has not been effected.

1-2-3: COURT PROCEEDINGS:

- A. No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (1993 Code)
- D. No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this Code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby. (1978 Code §1.04)

1-2-4: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or

ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1993 Code)

CHAPTER 3 DEFINITIONS

SECTION:

1-3-1: Construction of Words

1-3-2: Definitions, General

1-3-3: Catchlines

1-3-1: CONSTRUCTION OF WORDS:

- A. Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females and other people as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.
- B. The word "ordinance" contained in the ordinances of the City may have been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates of such original ordinances. (1993 Code)
- C. Reference to a section of this Code shall be understood also to refer to and include all penalty sections relating thereto, unless otherwise expressly provided. (1978 Code §1.06)

1-3-2: DEFINITIONS, GENERAL:

Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms. (1978 Code §1.02) or, if undefined, they shall have their ordinary and accepted meanings.

Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another with authority conferred either expressly or implied, to do so.

ALDERMAN: An elected or appointed member of the Genoa City Council. The terms “alderperson”, and their respective plurals, shall be acceptable use as a title as an alternative to “alderman”

CITY: The City of Genoa, County of De Kalb, State of Illinois.

CODE: The Municipal Code of the City of Genoa. All references herein to the “Code”, the “City Code”, the “Municipal Code”, the “Genoa City Code” or similar references shall all be considered to be references to this Code.

EMPLOYEEES: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Genoa".

FEE: A sum of money charged by the City for the carrying on of a business, profession or occupation. (1993 Code)

FISCAL AND MUNICIPAL YEAR: The fiscal and municipal year of the City shall commence on May 1 of each year and end on the day immediately preceding the succeeding first day of May. (1978 Code §3.11)

ILLINOIS MUNICIPAL CODE: Chapter 65 of the Illinois Compiled Statutes. (1978 Code §1.02)

LICENSE: The permission granted for the carrying on of a business, profession or occupation.

MISDEMEANOR: Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OFFICERS: Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Genoa".

OPERATOR: The person who is in charge of any operation, business or profession.

ORDINANCES: The ordinances of the City of Genoa and all amendments thereto, including but not limited to those included in this Code, those adopted by reference as a part of this Code, and all other ordinances adopted by the Mayor and City Council of the City.

OWNER: Any person who alone or jointly or severally with others shall have legal or equitable title to any building, the agent of said person or any person having management or control of the building or portion thereof, including, but not limited to a purchaser, mortgagee, receiver or lessee in possession. The City may reasonably rely on the records of the County showing the taxpayer of record for purposes of determining the Owner of any property when providing notice or otherwise attempting to contact the Owner.

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Includes every description of money, goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

STATE: State of Illinois.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

STREET: Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

TIME COMPUTATION: The time within which any act provided by law or ordinance is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday, as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.

WHOLESALE: The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters (including digital representations), but when the written signature of any person is required by law to any official or public writing or bond it shall be in the proper handwriting of such person (or such facsimile or digital signature as may be permitted by law), or in case he is unable to write, by his proper mark. (1993 Code)

1-3-3: CATCHLINES:

The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1993 Code)

CHAPTER 4 GENERAL PENALTY

SECTION:

1-4-1: General Penalty, Bond Fees, Court Costs

1-4-2: Application of Provisions

1-4-3: Responsibility for Acts

1-4-1: GENERAL PENALTY :

- A. Standard Penalty: Unless another penalty is specifically provided by this Code for violation of any particular provision, section or chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall upon conviction be subject to the fines found in Paragraph B and the costs of prosecution.

- B. Fines & Penalties: A person found to have committed a violation of this Code which constitutes a misdemeanor or requires a mandatory court or administrative adjudication appearance shall be sentenced, either alone or in combination as follows:
 - 1. A period of incarceration not to exceed six (6) months;
 - 2. The amount specifically prescribed in Appendix A when applicable or, if not otherwise specified in Appendix A, then a fine not to exceed Seven hundred and fifty dollars (\$750.00) or; or
 - 3. Reasonable public service work such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities. (1993 Code)

- C. A person to whom a notice is issued by the City for a violation of one of the following offenses shall pay the amount specified in this Chapter for the violation within thirty (30) days of receipt, unless a mandatory court appearance is required

- D. Any minor (under eighteen years of age) who is issued a notice of a violation of the City Code will be required to appear at an administrative adjudication hearing and must be accompanied by a parent or guardian.

- E. Court Fees: Upon determination of liable in an Administrative Adjudication hearing a fine shall be imposed as prescribed in Title 1 Chapter 4 Section 1. In addition, court

costs shall be assessed at a rate of \$100.00 per violation. (Ord. 2012-14, 06-05-2012)

- F. A person who fails to pay in accordance with Paragraph C above may be prosecuted in an administrative adjudication hearing. Any person found to have committed a violation shall be subject to the provisions of this Section. If the offender fails to pay the Finance Office within thirty (30) days, the City will seek court adjudication and a fine of up to \$750.00. (Ord 2015-19, 10-6-2015)

G. Collection: In the event any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the City and is not paid, the cost of collecting said fee shall be added to the fee. Collection costs shall include, but not be limited to, prosecution and attorney fees. In the event the fee, including any penalty then due is not fully paid within 90 calendar days after the rendition of an invoice or notice, the City may file a lien claim with the DeKalb County Recorder of Deeds, collect or attempt to collect the debt, and/or assign to a collection agency for collection on the debt. This statement of lien claim shall include the legal description of the property and the amount of the unpaid charges and penalties. A lien recording fee equal to the amount charged by the County for such purpose shall be assessed to cover the costs of recording the lien.

1-4-2: APPLICATION OF PROVISIONS:

- A. The penalty provided in this Chapter shall be applicable to every section of this City Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this City Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.
- B. In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply. (1993 Code)

1-4-3: RESPONSIBILITY FOR ACTS:

- A. Generally: Every person concerned in the commission of an act prohibited by this Code, whether such person directly commits the act or prosecutes, counsels, aids or abets in its commission, may be prosecuted and, on conviction, is punishable as if that person had directly committed such act. (1978 Code §1.08)

- B. Liability of Officers: No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1993 Code)

CHAPTER 5

MAYOR

SECTION:

1-5-1: Chief Executive Officer

1-5-2: Bond and Compensation

1-5-3: Powers and Duties

1-5-4: Local State of Emergency

1-5-1: CHIEF EXECUTIVE OFFICER:

The Mayor shall be the chief executive officer of the City and shall attend the meetings of the City Council and preside over them. (1978 Code §3.01)

1-5-2: BOND AND COMPENSATION:

- A. The Mayor shall, before he enters upon the duties of his office, execute a bond to the City in the penal sum of three thousand dollars (\$3,000.00), conditioned upon the faithful performance of the duties of the office and the payment of all money received by the Mayor, as prescribed by law. The City shall pay the premium of such bond. The Mayor shall receive fifteen thousand (\$15,000.00) as compensation annually, payable in twelve (12) equal monthly installments. (Ordinance 2021-18, 05-19-2021)
- B. Any ordinance providing for a change in the compensation or fringe benefits of the Mayor shall be adopted no less than one hundred eighty (180) days before the beginning of the term of the Mayor. (Ord. 98-16-1, 5-5-1998)

1-5-3: POWERS AND DUTIES:

- A. Powers: The Mayor shall perform the duties and exercise the powers conferred upon the Mayor of the City and shall perform all duties provided, prescribed, and permitted by the laws of the State and the ordinances of the City.
- B. Presides at City Council Meetings: The Mayor shall preside at all regular and special Council meetings, unless unavoidably prevented, but the Mayor shall not vote upon questions considered by the City Council except in the case of a tie, when the Mayor shall cast the deciding vote, or when the following circumstances arise:
 - 1. Where one-half of the Council elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or
 - 2. Where a vote greater than a majority of the corporate authorities is required by the Illinois Municipal Code to adopt an ordinance, resolution, or motion.

- C. The Mayor shall supervise the conduct of all officers of the City and shall examine the grounds of all reasonable complaints made against any of them and cause their violation of duty and other offenses, if any to be promptly punished.
- D. See that all the ordinances are properly enforced.
- E. Supervise the corporate business and affairs and see that the interests of the City are in all cases properly protected and taken care of. (1978 Code §3.01)
- F. Appointments: In all cases where an appointment by the Mayor is subject to the advice and consent of the City Council, the Mayor shall notify the Aldermen in writing of the intent to make said appointment.

1-5-4: LOCAL STATE OF EMERGENCY:

- A. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

EMERGENCY: (a) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (b) any natural disaster, epidemic, or man-made calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake, or explosion, or imminent threat of any of those events within the corporate limits of the City resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare; or (c) any public health threat when a state of emergency, disaster proclamation or other comparable designation has been declared at either the State of Illinois or DeKalb County level, and in the event of either (a), (b), or (c) the City Council cannot safely or practically meet in a timely manner consistent with the Illinois Open Meetings Act (5 ILCS 120/1, et seq.) to authorize City action.

CURFEW: A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City except officials of any governmental unit and persons officially designated to duty with reference to said emergency.

- B. Declaration of Emergency. Whenever an emergency as defined in Section 1-5-4(A) exists, the Mayor is authorized to declare the existence of a Local State of Emergency and shall sign, under oath, a statement finding that an emergency, as defined in that section, exists and setting forth facts to substantiate such findings including a description of the nature of the emergency. This statement shall be filed with the City Clerk as soon as practicable.

- C. Effectiveness. The determination that a Local State of Emergency exists shall be effective for a period of thirty (30) days and shall terminate earlier either (1) by a signed statement by the Mayor or his or her interim emergency successor, submitted to the City Clerk, that the need for the Local State of Emergency has ended; or (2) upon the call to order of the first regular or special meeting of the City Council after the Local State of Emergency has been declared, whichever is sooner. The Mayor or his or her interim emergency successor, shall have the power to re-declare the existence of an emergency at the end of each 30-day period during the time said emergency exists.
- D. Notification. When reasonably practical and safe, upon issuing the declaration of a Local State of Emergency herein authorized, the Mayor shall cause the declaration to be posted in a prominent place at City Hall, the police station, the post office, in the area of any curfew, and upon the City's web site. The City Clerk shall notify the news media situated within the City.
- E. Violations. Any person who violates this section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be fined in accordance with Section 1-4-1.
- F. Effect on Other Ordinances. Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City. (Ordinance 2020-08; 03-17-2020)

CHAPTER 6 CITY COUNCIL

SECTION:

- 1-6-1: Election and Terms of Aldermen**
- 1-6-2: Compensation**
- 1-6-3: Council Meetings**
- 1-6-4: Setting Agenda**
- 1-6-5: Rules and Order of Business**
- 1-6-6: Standing Committees**
- 1-6-7: Disturbing Meetings**
- 1-6-8: Sergeant – At – Arms**
- 1-6-9: Smoking in Council Chambers Prohibited**

1-6-1: ELECTION AND TERMS OF ALDERMEN :

(65 ILCS 5/3-4-1, 5/3-4-7, 5/3-4-9 and 5/3-4-13) There shall be elected eight (8) Aldermen, two (2) from each ward, to serve four (4) year staggered terms. (1993 Code)

1-6-2: COMPENSATION:

- A. Any person duly elected or appointed as an Alderman of the City shall receive as compensation for the performance of his duties one hundred dollars (\$100.00) for attendance at each regular or special meeting of the City Council and one hundred dollars (\$100.00) for attendance at meetings of the committees to which the Alderman has been appointed, however, for purposes of this paragraph, every alderman shall be considered to have attended a meeting if such meeting had been scheduled and thereafter cancelled. Such compensation shall be paid monthly and shall not exceed three hundred dollars (\$300.00) per month and three thousand six hundred dollars (\$3,600.00) annually. Aldermen shall not be compensated for more than four unexcused absences from City Council meetings or committee meetings per fiscal year. (Ord. 98-15-1, 4-21-1998; amd. Ord. 99-58-1, 12-7-1999, Ord 2003-26, 12-09-2003; Ord. 2008-08, 02-19-2008)
- B. Any ordinance providing for a change in the compensation or fringe benefits for Aldermen shall be adopted no less than one hundred eighty (180) days before a regularly scheduled Municipal election for the office of Alderman. (Ord. 98-15-1, 421-1998)

1-6-3: COUNCIL MEETINGS:

A. Regular Meetings: All meetings of the City Council shall be held in the City Hall but may be adjourned to another location for the purpose of the dispatch of business, and the regular meetings of the City Council shall be held on the first and third Wednesdays of each month. All regular meetings shall commence at seven (7:00) P.M. on the day fixed. If the regularly scheduled meeting date falls on a public holiday, the City Council shall cancel such meeting or schedule a new meeting date, pursuant to the Illinois Compiled Statutes. Such meeting shall be held at the regular meeting hour. (1978 Code §2.02; amd. Ord. 878, 10-11-1994; Ord. 69-2, 9-10-1996; Ord. 98-15-1, 4-21-1998; Ord 2009-21, 11-23-09; Ord 2015-10, 5-19-2015; Ordinance 2021-06, 04-05-21; Ordinance 2021-13; 05-05-2021)

B. Special Meetings: Special meetings of the City Council may be called by the Mayor or any three Aldermen upon the filing, electronically or otherwise, in the office of the City Administrator, a statement, in writing setting forth the purpose of such special meeting, and directing the Administrator to give notice of the special meeting. Upon the filing of such statement, the Clerk shall prepare a public notice of the special meeting in accordance with the Illinois Open Meetings Act. he Clerk shall also deliver copies to each Alderman, either electronically or otherwise.

C. Absence From Meetings:

1. The Mayor of the City shall have the sole authority to determine whether an absence from a City Council meeting by an Alderman shall be deemed excused.
2. When an absence by an Alderman from a City Council meeting has been deemed excused by the Mayor, the Alderman shall receive compensation as provided by ordinance as though the Alderman had attended the meeting. (Ord. 804, 5-12-1992; amd. Ord. 98-15-1, 4-21-1998)

D. Rules for Remote Meeting Attendance:

In addition to holding meetings pursuant to the Open Meetings Act, 5 ILCS 120/1, City Council meetings shall be subject to the following rules:

1. A quorum of the City Council shall be physically present at the location of an open or closed meeting.
2. Provided a quorum is physically present, a member may be allowed to attend the meeting by audio or video conferencing.
3. Any member who wishes to be considered present at a meeting via audio or video conference may make such a request to the City Council by notifying the City Clerk and Finance Office Manager by 3 PM of the day of the meeting,

unless advance notice is impractical, that the member cannot physically attend the meeting for one of the following reasons:

- a. Personal illness or disability;
 - b. Employment purposes or City business; or
 - c. A family or other emergency; or
 - d. or (iv)
 - e. unexpected childcare obligations.
4. The Clerk shall record in the minutes of every meeting the members physically present, absent and present by audio or video conference. (Ord 2006-37, 11-06-06; Ord 2016-12, 07-05-2012)

1-6-4: SETTING AGENDA:

A. Agenda: An agenda shall be prepared for each regular City Council meeting.

B. Consent Agenda: The City Administrator, in consultation with the Mayor, shall designate which ordinances, resolutions, and other items, which do not appear to require discussion by the City Council, shall be included on the consent agenda.

C. Removal Of Item From Consent Agenda: Any item may be removed from the consent agenda for separate discussion and approval upon the request of any Council member made prior to the approval of the consent agenda. All items remaining on the consent agenda shall be approved by a single motion, second and roll call vote of the City Council.

D. Future Agenda Items: Items may be placed on a future agenda in either of the following ways:

1. Prior To A City Council Meeting: The Mayor or any three (3) Council members may direct the City Administrator to place an item on the City Council agenda for consideration if the request is timely made;

2, During A City Council Meeting: The Mayor or any member of the City Council may propose an item be placed for discussion on an agenda at a future City Council meeting if such proposal is supported by two (2) additional members of the City Council.

1-6-5: RULES AND ORDER OF BUSINESS:

A. Rules of Order: In all cases where the rules adopted by the City Council are not applicable, the City Council shall be governed by the Roberts' Rules of Order. However, if there are no objections from any Council member, the rules of order of the Council, other than those prescribed by law, may be suspended or modified for purposes of conducting the business of the body.

B. Order Of Business: At every meeting of the Council at which a quorum is present, the order of business shall be as follows: (1978 Code §2.04; amd. 1993 Code; Ord. 9815-1, 4-21-1998)

1. Call to order/roll call of members.
2. Pledge of Allegiance
3. Guest Speakers
4. Public Comment on Items not on the Agenda as provided by City Code
5. Old Business
6. Consent agenda (omnibus vote)
 - i. Approval of minutes from previous meeting.
 - ii. Approval of accounts payable
 - iii. Minutes and Reports
 - iv. Other items as determined by the City Administrator and/or Mayor, subject to Section 1-6-4.
7. New business.
8. Future Items for Discussion
9. Department Reports
10. Announcements

1-6-6: PUBLIC COMMENT AT CITY MEETINGS

Members of the public are invited and permitted to speak at any public, open meeting of the City Council and any other commission, committee, board or other public entity created by or subject to the City's jurisdiction, ordinances and control, subject to the following rules:

A. Individuals wishing to be heard on an item that is not on the agenda may be recognized by the Mayor or Chairperson during the public comment portion of each meeting which will generally be held as one (1) of the initial items of business on the agenda but may, by a majority vote of the members of the public body present at a particular meeting, be moved to a different point on the agenda for that meeting.

B. Individuals wishing to be heard on an item that is included in the agenda will be provided an opportunity to speak by the Mayor or Chairperson during the consideration of that item.

C. Public comment may be restricted to no more than three (3) minutes for each individual speaker. The Mayor or Chairperson may permit additional comment in his or her discretion taking into account the number of persons wishing to be heard on a matter and the amount of business requiring attention.

D. Members of the public may be asked (but not required) to avoid repeating comments that have already been made, although they may be given the opportunity to indicate that they agree or disagree with an earlier speaker.

E. Members of the public will be required to step forward to the podium and to identify themselves for the record. Members may be asked but are not required to provide an address for the record.

F. The Mayor or Chairperson shall require that order and decorum be maintained at public meetings. This includes prohibiting outbursts from the public or other behavior that is threatening, disorderly or disruptive to the public business. The Mayor or Chairperson may eject from a public meeting any person who, in the Mayor or Chairperson's sole opinion, disrupts the order and decorum of the meeting or otherwise violates the rules of this section.

G. Public comment shall be restricted to the portions of meetings which are required to be open to the public under the Open Meetings Act. Nothing in this section shall be construed to allow public access to or public comment at closed sessions or any other meeting of public officials which is not required to be open to the public under the Open Meetings Act.

1-6-7: DISTURBING MEETINGS:

It shall be unlawful for any person to interrupt, interfere with or disturb any meeting of the City Council. (1978 Code §2.07; amd. Ord. 98-15-1, 4-21-1998)

CHAPTER 7 CITY CLERK

SECTION:

1-7-1: Election and Term

1-7-2: Bond

1-7-3: Power and Duties

1-7-4: Compensation

1-7-5: Deputy Clerk

1-7-6: Additional Clerk Duties

1-7-1: ELECTION AND TERM:

The City Clerk shall be elected and serve for a four (4) year term and until the successor is elected and qualified as provided by statute. (Ord. 2002, 2-15-2000)

1-7-2: BOND:

Before entering upon the duties of office, the City Clerk shall execute a bond to the City in the penal sum of three thousand dollars (\$3,000) conditioned upon the faithful performance of the duties of the office and the payment of all money received by the City Clerk, as prescribed by law. The City shall pay the premium of such bond. (Ord. 2002, 2-15-2000; Ordinance 2021-18, 05-19-2021)

1-7-3: POWER AND DUTIES:

- A. Meetings: The City Clerk shall attend all meetings of the corporate authorities and keep a full record of its proceedings.
- B. Elections: The Clerk has various duties in the Municipal election process. One of these duties is receiving nominating papers and certifying the names of all candidates entitled to be printed on the ballot. The Clerk, or his or her designee, shall conduct the elections process according to the State statutes.
- C. Publications: The City Clerk shall ensure the publication, record keeping, and filing of all ordinances, resolutions, and notices as required by law, and shall maintain a current copy of the City Code.
- D. Oaths: The City Clerk shall have the power to administer oaths and affirmations upon all lawful occasions.

- E. Signatures: The City Clerk is authorized to seal and attest all approved contracts of the City and all approved licenses and other such documents as shall require this formality.
- F. Seal: The Clerk shall be custodian of the City Seal and shall affix its impression on documents whenever this is required.
- G. Documents: The Finance Office shall be custodian of all documents belonging to the City which are not assigned to the custody of some other officer of the City by City Code or by the Mayor. (Ord. 2002, 2-15-2000; Ord 2015-19, 10-6-2015)

1-7-4: COMPENSATION:

The salary of the City Clerk shall be set by ordinance at four thousand eight hundred dollars (\$4,800.00) per year for a four (4) year term. (Ord. 2002, 2-15-2000)

1-7-5: DEPUTY CLERK:

The City Clerk may appoint one Deputy Clerk and authorize them, in writing, to function in the Clerk's absence as Deputy Clerk. Because the Clerk's position is part-time, said appointee shall be an employee of the City who need not be a City resident. In the absence of the City Clerk, the Deputy Clerk will sign documents requiring the signature of the Clerk followed by the words "By" and the deputy clerk's own name and the words "Deputy Clerk", affix the City seal to those documents requiring the City seal, attend and take minutes at City Council meetings in the Clerk's absence, and perform other duties as assigned by the City Clerk including serving as the Clerk's designee for purposes of receiving nominating petitions as the local election official.

1-7-6: ADDITIONAL DUTIES:

In addition to the duties herein provided, the Clerk shall perform such other duties and functions as may be required from time to time by statute or ordinance.

The City Clerk and the Deputy City Clerk may have the ability to be an employee of the City, so long as the other position does not interfere in the daily running of City Hall. (Ord. 2002, 2-15-2000)

CHAPTER 8 CITY TREASURER

SECTION:

1-8-1: Appointment

1-8-2: Bond

1-8-3: Duties

1-8-4: Inspection of Books and Records

1-8-1: APPOINTMENT:

A. The office of City Treasurer shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

1-8-2: BOND:

The Treasurer's bond shall be an amount of money that is not less than three (3) times the latest Federal census population or any subsequent census figure used for motor fuel tax purposes (65 ILCS 5/3-14-3). The City shall pay the premium on such bond. (1978 Code §3.03; 1993 Code)

1-8-3: DUTIES:

A. Generally: The City Treasurer shall perform all the duties required of them by law (65 ILCS 5/3-10-1) and ordinance. The Treasurer shall:

1. Keep books wherein shall be recorded and safely kept a record of all transactions of his office. In keeping the books and records herein required of them to be kept, it shall be their duty to do the work in such manner so that the books and records will at all times contain and disclose, in detail, the accounts, transactions, business and affairs of his or her office.

2. Keep separate the transactions and affairs relating to the various funds, departments and offices of the City.

B. Properties Of Office: The Treasurer shall preserve and safely keep in their custody the books, records and property under their control pertaining to their office and shall not permit the same to leave their custody and control unless so ordered by a court or the City Council, and upon termination of their term of office, they shall promptly turn over the same to the City Administrator or the Finance Office Manager. (Ord 2015-19, 10-6-2015)

C. Regulations: The Treasurer shall at all times follow the regulations that may be prescribed by the Council or by law pertaining to the office or the conduct,

management and affairs thereof and shall at all times follow the system of accounting provided and adopted by the City.

D. Reports Required: The Treasurer shall make all reports as are required by law, and such other and further reports as may be required by the City Council. (1978 Code §3.03)

E. Staff Liaison: The Treasurer shall be the Staff Liaison to the Police Pension Board and Finance Advisory Committee.

1-8-4: INSPECTION OF BOOKS AND RECORDS:

The books and records of the Treasurer's office shall at all times be open to inspection by the Mayor, Council, or the City Administrator. (Ord. 1995-11, 4-25-1995)

CHAPTER 9 CITY OFFICERS AND EMPLOYEES

SECTION:

1-9-1: Duties

1-9-2: Council authority to Abolish Office, Establish New Duties

1-9-3: Personnel Policies

1-9-4: Compensation

1-9-1: DUTIES:

- A. Orders, Reports: Every officer, agent or employee of the City shall at all times promptly execute and carry out all orders, directions and instructions concerning corporate matters issued by the Mayor or City Council or any superior officer, and every such officer shall, whenever requested by the Mayor or City Council, make report upon such corporate matters about which such request is made so far as the same are within knowledge, duties or authority.

- B. Return City Properties: It shall be the duty of every officer or employee of the City, upon the termination of his service for the City, to turn over to his or her successor when the same shall be duly qualified or to the City Administrator or City Treasurer, all books, records, money and other property of which he or she may have possession or custody as such officer or employee belonging to the City. (1978 Code §3.08; Ord 2015-19, 10-6-2015)

1-9-2: COUNCIL AUTHORITY TO ABOLISH OFFICE, ESTABLISH NEW DUTIES, REMOVE FROM OFFICE:

- A. Nothing in any ordinance shall be construed or held to prohibit the abolishment of any office created by the Council or the discharge of any agent or employee or officer or the adding, assigning or transferring to any such officer of new duties or corporate work, from time to time, whether before or after his or her appointment or election or entry upon the incumbency of any office. (1978 Code §3.08)
- B. The Mayor and City Council may remove any officer appointed hereunder at any regular or special meeting called for that purpose. In case an office shall become vacant, through removal, resignation, or death of the incumbent before the expiration of the term of the office or the municipal year, then the Mayor and City Council may proceed to fill such vacancy in the same manner as provided for in the original appointment, and any office so appointed shall be subject to and governed by the provisions of this Code.

1-9-3: PERSONNEL POLICIES:

The personnel policies of the City, as approved from time to time, are published under separate cover and are available for public inspection in the office of the City Administrator.

1-9-4: COMPENSATION OF EMPLOYEES:

The Mayor shall set the Compensation for City Employees.

CHAPTER 10 BUILDING INSPECTOR:

1-10-1: Office Established; Appointment

1-10-2: Duties and Powers

1-10-1: Office Established

There is hereby created the position of Building Inspector, who shall be appointed by the City Administrator.

1-10-2: Duties and Powers:

The Building Inspector shall have the following duties:

- A. Enforce the building code of the City pertaining to construction, repair, or alteration of buildings or structures, and shall make or cause to be made all inspections needed for that purpose.
- B. Issue or cause to be issued all proper permits for such work after payment of required fees to the Finance Office.
- C. Serve as the Code Enforcement Officer for the Building Code of the City.
- D. Serve as the enforcement officer of ordinances of the City relating to the construction and alteration of private improvements, including signs, swimming pools, parking areas, sidewalks, air conditioner systems, and private utility services, as well as for ordinances relating to the moving and/or demolition of buildings.
- E. Perform such duties as may be prescribed by any ordinance of the City or directed by the City Administrator. (Ordinance 2020-25, 11-17-2020)

CHAPTER 11 CITY ATTORNEY

SECTION:

- 1-11-1: Office Established; Appointment**
- 1-11-2: Duties**
- 1-11-3: City Attorney Pro Tem**

1-11-1: OFFICE ESTABLISHED; APPOINTMENT:

There is established the office of City Attorney. The City Attorney shall be appointed by the Mayor by and with the advice and consent of the City Council. (1978 Code §3.05)

1-11-2: DUTIES:

The City Attorney shall:

- A. Advise Council and Officers: Act as legal adviser of the City Council and of all the City officers, and the Council may require the City Attorney's opinion, in writing, upon any question of law arising in connection with any City affairs or upon any suit, claim or demand in which the City is or may become interested. In every case where a written opinion is requested, they shall comply with such request as soon as may be possible by filing their opinion in the office of the City Clerk or by presenting it to the Council when in session.
- B. Attend Council Meetings: Attend one regular meeting of the City Council each month and special meetings when requested to do so by the Mayor or City Clerk.
- C. Prepare Documents: Prepare all contracts and other legal documents of the City when requested and prepare such ordinances for the City as may be requested of the City Attorney by the Mayor or Council.
- D. Suits and Actions: Act as counsel for the City in every suit or legal proceeding in which the City may be interested and take such steps and adopt such measures therein as they shall deem for the best interests of the City and for the promotion of justice.
- E. Other Duties: Perform such other duties properly pertaining to the duties of their office as the Council may require of them. (1978 Code §3.05)

1-11-3: CITY ATTORNEY PRO TEM:

Whenever the City Attorney shall be unable to attend to any legal business of the City, the Mayor may employ an attorney to attend to the same, and reasonable fees shall be paid to such attorney so employed. (1978 Code §3.05)

CHAPTER 12

DIRECTOR OF PUBLIC WORKS

SECTION:

1-12-1: Established; Appointment and Term

1-12-2: Powers and Duties

1-12-1: ESTABLISHED; APPOINTMENT AND TERM:

- A. Office Established: There is hereby established for the City the office of Director of Public Works. The Director shall be appointed by the Mayor with the advice and consent of the City Council.
- B. Term: Unless otherwise approved by the City Council, the Director of Public Works shall be an at-will employee.

1-12-2: POWERS AND DUTIES:

The Director of Public Works shall:

- A. Generally: Perform all duties and have all the powers assigned by law or ordinance to a Director of Public Works and such other duties and functions as may be lawfully assigned to him or her
- B. Accounts And Records: Keep accounts and records of all business connected with the streets, alleys, storm sewers, water and wastewater treatment. (1978 Code §3.15)
- C. Plat Of Waterworks System: Maintain and keep a plat of the waterworks system, showing the location of the pumping station, all mains and size of the same, hydrants, cutoffs, taps, etc., and to extend such plat, from time to time, as the development of the system may require to keep the plat accurate and complete. Such plat shall be kept on file at the office of the Director of Public Works for inspection by the officers of the City. (1978 Code §3.15; amd. Ord. 1995-11, 4-251995)
- D. Staff Liaison: The Director of Public Works Director, or his or her designee, shall be the Staff Liaison to the Wastewater Treatment Committee and Tree Committee.

CHAPTER 13 CITY ADMINISTRATOR

SECTION:

- 1-13-1: Office Established; Appointment**
- 1-13-2: Qualification for Office**
- 1-13-3: Compensation**
- 1-13-4: Duties and Powers**
- 1-13-5: City Administrator Pro Tem**

1-13-1: OFFICE ESTABLISHED; APPOINTMENT:

There is hereby established the office of City Administrator. The Mayor, with the advice and consent of the City Council, shall appoint a City Administrator. If there exists a vacancy in the office of the City Administrator, the City Council may, by majority vote, appoint an Acting City Administrator to perform the duties of the office until such time as a new Administrator is appointed as provided herein. The City Council shall have the authority to create a hierarchy of City personnel who may temporarily serve in the absence of a duly appointed City Administrator or Acting City Administrator. . (Ord. 97-27-1, 11-18-1997)

1-13-2: QUALIFICATION FOR OFFICE:

The position of City Administrator requires a Master's Degree in Public Administration or a closely related field or reasonably equivalent experience. This requirement may be delayed upon evaluation of experience in local government administration and concurrent work toward the required degree. (Ord. 856, 4-26-1994) Applicants for City Administrator shall be interviewed by the City Council. No elected official of the Council shall be appointed City Administrator during the term of office for which the person was elected.

1-13-3: DUTIES AND POWERS:

The City Administrator shall:

- A. Act as advisor to the Mayor and City Council upon questions arising in connection with all City affairs. (Ord. 856, 4-26-1994) The Administrator shall have the authority and responsibility to research and analyze issues and alternatives, as well as to recommend policies, for consideration by the City Council.
- B. Shall execute, on behalf of the City Council, its policies, enforce its ordinances and resolutions, and otherwise administer the affairs of the City as directed by the City Council.

C. Serve as chief administrative officer overseeing the day-to-day operation of all City departments and functions. The Administrator shall exercise control over and coordinate the work of all departments, the divisions thereof, and all employees of the City. The Administrator shall have the authority to hire all other employees or to approve their hiring as permitted in the budget adopted by the City Council, except for those positions, offices, boards, commissions, or other institutions whose appointment or hiring is otherwise governed by this Code or the Illinois Compiled Statutes. The recruitment, selection, hiring, evaluation, promotion, and discipline of employees shall be provided in the Personnel Policy Manual adopted by the City Council. The promotion and discipline of Sworn Police Officers shall be governed by Collective Bargaining Agreement.

For the purposes of this Section, the persons holding the offices of City Attorney and City Engineer are not considered employees of the City. However, the Administrator shall work closely with those officers to coordinate the Administrator's efforts with their activities and responsibilities so that the City Council's policies involving those offices are properly implemented.

D. The Administrator shall evaluate and report, not less frequently than monthly, to the City Council on the operations of City Departments.

E. If so designated by the Mayor and approved by the City Council, serve as the Budget Officer, with such powers and duties for such position as set forth in the Genoa Municipal Ordinances. (Ord. 1995-4, 1-10-1995)

F. Make recommendations concerning risk management, including insurance contracting and safety/loss control.

G. The Administrator shall be notified and receive, and shall investigate or have investigated, all complaints in relation to matters concerning the administration of the government of the City and the services maintained and provided by the City (Ord. 1995-11, 4-25-1995)

H. Matters Directed to Administrator's Attention: All officers and department heads shall submit all matters requiring City Council action or attention to the Administrator, who shall submit them to the City Council with such recommendations as may be deemed necessary.

I. Perform such other duties properly pertaining to the duties of his or her office as the City Council may require of them and have all powers assigned by law or ordinance as may be lawfully assigned to them. (Ord. 856, 4-26-1994)

CHAPTER 14 BUDGET OFFICER

SECTION:

- 1-14-1: Office Established; Appointment**
- 1-14-2: Oath and Bond**
- 1-14-3: Oath and Duties**
- 1-14-4: Eligibility for Office and Compensation**

1-14-1: OFFICE ESTABLISHED; APPOINTMENT:

There is established the position of Budget Officer. The Budget Officer shall be appointed by the Mayor, with the approval of the City Council. The Budget Officer shall serve at the pleasure of the Mayor. The appointed City Administrator shall also serve as the Budget Officer. The City Administrator may delegate certain Budget Officer duties to the Treasurer. (Ord. 1995-3, 1-10-1995; Ord. 2018-12, 04-17-2018)

1-14-2: OATH AND BOND:

Before entering upon the duties of the office, the Budget Officer shall take an oath and post a bond as provided in the Illinois Municipal Code. (Ord. 1995-3, 1-10-1995)

1-14-3: POWERS AND DUTIES:

The Budget Officer shall have the powers and duties as prescribed by law, which shall include, but not be limited to, the following (Ord. 95-11-24, 19951996):

- A. 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.
- B. Compile and publish an annual budget in accordance with State law.
- C. Examine all books and records of all Municipal departments, commissions, and boards which relate to monies received by the Municipality, Municipal departments, commissions, and boards, and paid out by the Municipality, Municipal departments, commissions, and boards, debts and accounts receivable, amounts owed by or to the Municipality, Municipal departments, commissions, and boards.
- D. Obtain such additional information from the Municipality, Municipal 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 Municipality, Municipal 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 Municipality until such Municipal department, commission, or board shall comply in full with the request of the Budget Officer.

- E. Establish and maintain such procedures as shall ensure that no expenditures are made by the Municipality, Municipal departments, commissions, or boards except as authorized by the budget.
- F. Such other duties as may be designated by the Mayor. (Ord. 1995-3, 1-10-1995)
- G. Exercise supervision over all officers of the City charged in any manner with the receipt, collection, or disbursement of City revenues and return of such revenues to the City Treasurer. (Ord. 1995-11, 4-25-1995)
- H. Maintain a system of records consistent with any general plan of accounting and keeping records adopted by the City, preserve and keep the same in his or her custody at all times, unless produced by him or her elsewhere by order of a court or by the City Council. At the termination of his or her term of office, he or she shall promptly deliver all records of his or her office to his successor or such person as the City Council may direct.

1-14-4: ELIGIBILITY FOR OFFICE AND COMPENSATION:

The Budget Officer designated by the Mayor may hold another Municipal office. The Budget Officer shall receive such compensation as specified by the Mayor, and such compensation may be received in addition to other compensation received for serving in such other Municipal office. (Ord. 1995-3, 1-10-1995)

CHAPTER 15

COMMUNITY DEVELOPMENT DIRECTOR

SECTION:

- 1-15-1: Office Established; Appointment**
- 1-15-2: Powers and Duties**
- 1-15-3: Qualifications and Compensation**

1-15-1: OFFICE ESTABLISHED: APPOINTMENT:

There is established a position of Community Development Director. The Community Development Director shall be appointed by the Mayor, with the approval of the City Council. The community Development Director shall serve at the pleasure of the Mayor.

1-15-2: POWERS AND DUTIES:

The Community Development Director shall have the following powers and duties:

- A. The Community Development Director shall exercise all duties and responsibilities for the position of the Development Administrator as contained within this Chapter and the Unified Development Ordinance of the City of Genoa (the "UDO"). The Community Development Director, or his/her duly appointed and acting assistant, shall be responsible for the administration, interpretation and enforcement of the provisions of the UDO.
- B. The Community Development Director shall also be responsible for serving as the Staff liaison for the Plan Commission.
- C. The Community Development Director shall also be responsible for serving as the Staff liaison for the Economic Development Commission.
- D. The Community Development Director shall also administer Economic Development Activities of the City.
- E. The community Development Director may obtain such additional information from the Municipality, Municipal departments, commissions, and boards as may be useful to the Community Development Director for purposes of implementing the responsibilities assigned by the City Code to this office.

F. The Community Development Director shall be responsible for such other duties as may be designated by the Mayor.

1-15-3: QUALIFICATIONS AND COMPENSATION:

The Community Development Director shall hold a Bachelor's Degree in Public Administration, Planning or closely related field, with a Master's Degree in Public Administration, Planning or closely related field preferred, or they must have comparable skills and experience. The Community Development Director shall receive such compensation as specified by the Mayor. (Ord 2005-25, 07-05-05)

CHAPTER 16

MISCELLANEOUS PROVISIONS

SECTION:

- 1-16-1: Wards**
- 1-16-2: Corporate Seal**
- 1-16-3: Fiscal System**
- 1-16-4: Office Hours**
- 1-16-5: Paid Leave Rights**

1-16-1: WARDS:

The territory comprising the City is redistricted into four (4) wards as follows:

- A. First Ward: The First Ward shall comprise all that territory beginning at the eastern City limit at the Canadian Pacific Railroad, then south following the City's municipal boundary and continuing to follow the City's municipal boundary to the centerline of Walnut Street, then east along the centerline of Walnut Street to South Sycamore Street/Dander Lane (excluding the unincorporated areas), then north along the centerline of South Sycamore Street/Dander Lane to the centerline of Loraine Drive, then west along the centerline of Loraine Drive to the centerline of South Genoa Street, then north along the centerline of South Genoa Street to the centerline of West Hill Street, then east along the centerline of West Hill Street to the centerline of South Stott Street, then north along the centerline of South Stott Street to the centerline of East Railroad Avenue, then east along the centerline of East Railroad Avenue to the centerline of Eureka Street then north along the centerline of Eureka Street to the Canadian Pacific Railroad, then east along the Canadian Pacific Railroad to the point of beginning.
- B. Second Ward: The Second Ward shall comprise all that territory beginning at the center of the intersection of State Route 72/Park Avenue, West Main Street, East Main Street, then south along the centerline of South State Street to the centerline of Jackson Street, then east along the centerline of Jackson Street to the centerline of South Washington Street, then south along the centerline of South Washington Street to the centerline of West Hill Street, then east along the centerline of West Hill Street to the centerline of South Genoa Street, then south along the centerline of South Genoa Street to the centerline of Loraine Drive, then east along the centerline of Loraine Drive to the centerline of South Sycamore Street/Dander Lane, then south along the centerline of South Sycamore Street/Dander Lane to the centerline of Walnut Street, then west along the centerline of Walnut Street to the centerline of Madison Street, then north along the centerline of Madison Street to the centerline of State Route 72/Park Avenue, then east along the centerline of State Route 72/Park Avenue to the point of beginning.

- C. Third Ward: The Third Ward shall comprise all that territory beginning at the eastern City limit on the at the Canadian National Railroad, then west along the Canadian National Railroad to the centerline of Eureka Street, , then south along the centerline of Eureka Street to the centerline of East Railroad Avenue, then west along the centerline of East Railroad Avenue to the centerline of North Stott Street, then south along the centerline of North Stott Street to the centerline of East Hill Street then west along the centerline of East Hill Street to the centerline of South Washington Street, then north along the centerline of South Washington Street, to the centerline of Jackson Street, then west along the centerline of Jackson Street to the centerline of South State Street, then north along the centerline of South State Street to the centerline of Route 72/Park Avenue, then west down the centerline of Route 72/Park Avenue to the City's municipal boundary, then north continuing to follow the City's municipal boundary back to the point of beginning.
- D. Fourth Ward: The Fourth Ward shall comprise all that territory beginning at the center of the intersection of State Route 72/Park Avenue and Madison Street, then south along the centerline of Madison Street to the southern City limit, then west following the City's municipal boundary and continuing to follow the City's municipal boundary to the centerline of State Route 72/Park Avenue, then east along the centerline of State Route 72/Park Avenue to the point of beginning. (Ord 2005- 41,10-18-05; Ord 2012-20, 9-4-2012; Ordinance 2022-13, 06-01-2022)

1-16-2: CORPORATE SEAL:

The seal heretofore provided and used by and for the City, having in the center the word Seal and around the said word the words Incorporated 1911 and around the outer edge the words City of Genoa, Illinois, shall be and is hereby established and declared to have been and is now to be the Seal of the City. (1978 Code §3.12)

1-16-3: FISCAL SYSTEM:

The City Council finds that the adoption and passage of an annual budget, in lieu of passage of an appropriation ordinance, provides the best method for accounting for Municipal finances. State law allows the City to adopt the "budget system" of Municipal finance, in lieu of passage of an appropriation ordinance. Adoption of the relevant State laws is necessary to establish the "budget system" for the City. Sections 5/8-2-9.3 through 5/8-2-9.7 and 5/8-2-9.9 and 5/8-2-9.10 of the Illinois Municipal Code ¹⁰ as now or thereafter amended, are hereby adopted and made a part of this City Code as if fully set out herein. (Ord. 1995-2, 1-10-1995)

The City of Genoa's fiscal year begin on the first day of May of each year and end on the last day of April on the following year.

1-16-4: OFFICE HOURS:

The offices for City Hall business shall be open five (5) days each week, excluding approved holidays, for such hours as stipulated by the Mayor. Said hours shall be prominently displayed on or at the entrance thereto. (Ord. 95-11-25, 11-14-1995)

1-16-5: PAID LEAVE RIGHTS:

A. All regular, full-time employees of the City will, at all times, be provided no less than 40 hours of any form of paid leave for every consecutive 12 month period of their employment.

B. All part-time, temporary, and seasonal employees of the City will, at all times, be provided no less than 1 hour of any form of paid leave for every 40 hours worked, up to a minimum of 40 hours.

C. The City through its Personnel Policies may make adjustments to eligibility and accrual rates for various forms of paid leave, including sick leave, on an ongoing basis without impacting, affecting, or altering this ordinance, but in no event shall the rights to paid leave provided to employees be less than what is provided herein.

D. The rights of employees working for non-municipal employers within the City shall be as stated in the Paid Leave for All Workers Act, 820 ILCS 192/1 et seq., as may be amended from time to time.

CHAPTER 17

Ethics

SECTION:

1-17-1: Definitions

1-17-2: Prohibited Political Activities

1-17-3: Gift Ban

1-17-4: Disposition of Gifts

1-17-5: Ethics Advisor

1-17-6: Ethics Commission

1-17-1: DEFINITIONS:

For the 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 Genoa, whether on fulltime 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 Genoa.

“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 the 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 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 organizations” 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:

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 fundraiser, 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 office 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 heling 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 designs, 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 employees:
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 office or another employee directing that employee; or
4. Has interests that may be substantially affected by the performance of the official duties of the officer or employee.

1-17-2: PROHIBITED POLITICAL ACTIVITIES:

- A. 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 Genoa in connecton with any prohibited political activity.
- B. 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).
- C. 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.

- D. 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 employee on a voluntary basis which are not prohibited by this Ordinance.
- E. 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.

1-17-3: 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 1-17-3 is not applicable to the following:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
3. 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.
4. Educational materials or missions.
5. Travel expenses for a meeting to discuss business.
6. 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.
7. 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, the

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.

8. 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.
9. 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.
10. 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.
11. Bequests, inheritances, and other transfers or death.
12. 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.

1-17-4: 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.

1-17-5: ETHICS ADVISOR:

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

The Ethics Advisor shall provide guidelines to the officers and employees of the City of Genoa 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.

1-17-6: ETHICS COMMISSION:

There is hereby created a commission to be known as the Ethics Commission of the City of Genoa for purposes of considering complaints filed under this Title 1, Chapter 17. The commission shall be comprised of three (3) members: a) the City Administrator (or the City Treasurer if a substitute is needed) who also shall serve as the chairperson; b) the Chief of Police (or the City Treasurer if a substitute is needed); and c) a third member to be appointed by the Mayor 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 of Genoa. Meetings shall be held at the call of the chairperson (Ord 2004-28, 05-18-2004).

CHAPTER 18 DEPUTY MAYOR

SECTION:

1-18-1: Appointment and Term

1-18-2: Powers and Duties of the Deputy Mayor

1-9-1: APPOINTMENT AND TERM:

The position of Deputy Mayor is hereby created. The Mayor shall appoint a Deputy Mayor, who shall be a member of the City Council, for a term of 1 year.

1-9-2 POWERS AND DUTIES OF THE MAYOR:

The Deputy Mayor shall have the following responsibilities:

- A. Fulfill his/her normal duties as an Alderman.
- B. Perform the duties of the Mayor during the absence or temporary disability of the Mayor.
- C. Serve as Acting Mayor if the Mayor does not have the capacity to do so.
- D. Assist the Mayor in successfully fulfilling public obligations by attending functions as a representative of the City at the request of the Mayor.
- E. Serve as the City Council liaison on Boards and Committees as assigned by the Mayor.
- F. Perform other tasks delegated by the Mayor.
(Ordinance 2021-24, 07-07-2021)