

CHAPTER 3
CITY GOVERNMENT

3.01 ELECTIONS

The Election Code (10 ILCS 5/1-1) shall govern all elections.

3.02 ELECTIVE CITY OFFICERS

(a) **Elected.** There shall be elected in this city a Mayor, eight Aldermen, a City Clerk, and a City Treasurer.

(b) **City Clerk and City Treasurer.** The City Clerk and the City Treasurer shall be elected when the Mayor is elected.

(c) **Other Offices.** No Mayor, Alderman, City Clerk or City Treasurer shall hold any other office under the city government during his term of office except as otherwise provided by the Illinois Municipal Code.

(d) **Term and Inauguration.** The terms of the elected officials shall commence at the time of their inauguration which shall be at the first regular or special meeting in the month of May following the consolidated election in April of every odd year. Elected officials shall serve until their respective successors are elected, qualified and take office.

(e) **Qualifications.** No person shall be elected Mayor, Clerk or Treasurer who is not a qualified elector of the City, who has not resided in the City for one year immediately preceding his election, or who is a defaulter to the municipality. No person shall be elected Alderman who is not a qualified elector of the City, who has not resided in the City for one year immediately preceding his election, who does not reside within the ward for which he is elected, or who is a defaulter to the municipality.

3.03 MAYOR

(a) **Term.** The chief executive officer of the city shall be a Mayor. He shall hold his office for 4 years, and until his successor is elected and has qualified.

(b) **Resignation; Vacancy.** The Mayor may resign from his office. A vacancy occurs in the office of Mayor by reason of resignation, failure to elect or qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office, or removal from office or by removal of his residence from the city.

3.04 MAYOR'S POWERS AND DUTIES

(a) **Release of Prisoners.** The Mayor may release any person imprisoned for violation of any city ordinance, and shall report the release, with the reasons therefor, to the City Council at its first session thereafter.

(b) **Examination of Records.** The Mayor at all times may examine and inspect the books, records, and papers of any agent, employee, or officer of the city.

(c) **Calling Out Inhabitants and Militia.** When necessary, the Mayor may call on every male inhabitant of the city over the age of 18 years, to aid in enforcing laws and ordinances. Subject to the authority of the Governor as commander-in-chief of the militia, the Mayor may call out the militia to aid in suppressing riots and other disorderly conduct, or to aid in carrying into effect any law or ordinance.

(d) **Designation of Person to Sign Instruments.** The Mayor may designate another to affix the signature of the Mayor to any written instrument which is required to be signed by the Mayor. The Mayor shall send written notice of this designation to the City Council, stating the name of the person whom he has selected and what instrument the person will have authority to sign. A written signature of the Mayor executed by the person so designated, with the signature of the person so designated underneath, shall be attached to the notice. The notice, with the signatures attached, shall be recorded in the journal of the City Council and then filed with the City Clerk. When the signature of the Mayor is placed on a written instrument at the direction of the Mayor in the specified manner, the instrument, in all respects, shall be as binding on the city as if signed by the Mayor in person.

(e) **General Duties.** The Mayor shall perform all the duties which are prescribed by law and ordinances, and shall take care that the laws and ordinances are faithfully executed.

(f) **Messages to City Council.** The Mayor from time to time may and annually shall give the City Council information relative to the affairs of the city, and may recommend for their consideration such measures as he believes expedient.

3.05 CITY CLERK

(a) **Duties.** The City Clerk shall in addition to the duties now imposed upon that officer by statute perform the following duties:

1. He shall keep his office in the City Hall and maintain business hours.
2. He shall issue notice of meetings to the Mayor and members of the City Council, and when directed by that body, to the members of the different committees of that body and to all persons whose attendance will be required before that body or any such committee when so directed, he shall also issue and cause to be served notices of the meetings.
3. He shall attest all the licenses granted under the ordinances of the city.
4. He shall without delay deliver to the officers of the city and to the various committees, all bills, resolutions, communications and other documents referring to such officers and committees.
5. He shall without delay deliver to the Mayor all ordinances or resolutions under his charge which may require approval or other action by the Mayor with all papers and information on which the same were founded.
6. He shall perform such other duties as may be required of him by the Mayor and City Council and the ordinances of the city.

(b) **Keeper of Seal and Records.** The Clerk shall keep the corporate seal and affix the same to all papers which require it. He shall keep all records and papers belonging to the city and attend all meetings of the City Council, and keep a full record of its proceedings in the journal. He shall prepare all warrants for the payment of money, sign and deliver same when called for after they have been countersigned by the Mayor, taking a proper receipt therefor. He shall make proper copies of all papers duly filed in his office and make transcripts from the journal and other records and files of his office, certified by him under the corporate seal.

(c) **Record of Ordinances.** All ordinances passed by the City Council shall be recorded by the Clerk in a book kept for that purpose before the next regular meeting after they go into effect.

If the ordinance requires publication, he shall cause the same to be published. The Clerk shall note at the foot of the record of each ordinance a memorandum of the date of its passage and approval or otherwise becoming effective, and if published the date of the publication of such ordinances. The original shall be filed in the office of Clerk with a certificate of publication or posting attached to ordinance requiring publication.

(d) **Notification of Persons Elected.** It shall be the duty of the City Clerk, within 5 days after the result of an election is declared or an appointment made, to notify in writing all persons elected or appointed to office. Unless such persons shall respectively qualify in 10 days after such notice, the office shall become and be vacant.

(e) **City Collector.** The City Clerk may be appointed City Collector and if so appointed, shall receive such compensation as annually determined by the City Council in the appropriation ordinance.

(f) **Record of Warrants.** He shall, on the stubs of his warrant books, make a full record of the dates, amounts and parties in each warrant issued and on what fund issued; he shall also keep a record book showing, under separate headings as to each fund, the same facts as to all warrants issued by him for any purpose on such fund, and also showing the same are paid and cancelled by the Treasure, and the exact amounts of principal and interest actually paid thereon.

(g) **Petitions and Communications.** All petitions, remonstrances, bids, bills or other communications addressed to the City of Hickory Hills City Council shall be received by the Clerk and read by him at the City Council meeting next succeeding their receipt, unless otherwise ordered by the City Council.

3.06 CITY TREASURER

(a) **Duties.**

1. The City Treasurer shall receive all money belonging to the city, and shall keep his books and accounts in the manner prescribed by ordinance. These books and accounts shall always be subject to the inspection of the Mayor and any member of the City Council.

2. He shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto.

3. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and upon what account paid. He shall file copies of these receipts with the City Clerk with his monthly reports. If he has in his possession money properly appropriated to the payment of any warrant lawfully drawn upon him he shall pay the money specified in this warrant to the person designated by the warrant.

(b) **Monthly Statements, Warrants, Vouchers.** At the end of every month, and oftener if required by the City Council, the City Treasurer shall render an account under oath to the City Council, showing the state of the treasury at the date of the account and the balance of money in the treasury. He shall accompany the account with a statement of all money received into the treasury, and on what account, together with all warrants redeemed and paid by him. On the day he renders an account, these warrants, with all vouchers held by him, shall be delivered to the City Clerk and filed, together with the account, in the Clerk's office. He shall return all warrants paid by him marked "paid." He shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid.

(c) **Personal Use of Funds.** The City Treasurer shall keep all money belonging to the city in his custody separate and distinct from his own money, and he shall not use, either directly or indirectly, the city's money or warrants in his custody for his own use and benefit, or that of any other person. Any violation of this provision shall subject him to immediate removal from office by the City Council, who may declare the City Treasurer's office vacant. In that case his successor shall be appointed, and he shall hold his office for the remainder of the unexpired term of the Treasurer so removed.

(d) **Report; Account of Receipts and Disbursements.** The City Treasurer shall report to the City Council monthly a full and detailed account of all receipts and expenditures.

(e) **Annual Accounts.** Prior to the first day of September of each year the City Treasurer shall prepare and file with the City Clerk an account of all monies received and expenditures incurred during the preceding fiscal year. The Treasurer shall show in such account:

1. All monies received by the city, indicating the total amounts, in the aggregate, received in each account of the city, with a general statement concerning the source of such receipts; provided, for the purposes of this subparagraph the term "account" shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the city are credited to a general account; and

2. All monies paid out by the city giving the name of each person to whom paid, on what account paid, and the total amount, in the aggregate, paid to each person from each such account; and

3. A statement showing the state of the city treasury at the close of the fiscal year.

The preceding fiscal year for which such account must be prepared is the fiscal year of the city which ends during the 12 month period immediately preceding May 1 of the year in which the report is filed.

Upon receipt of such account from the City Treasurer, the City Clerk shall publish the account at least once, in one or more newspapers published in the city.

(f) **Filing Annual Account.** Prior to the first day of September of each year the City Treasurer shall file with each town or country collector of taxes who collects taxes levied by such city, a copy of annual account which is required to be filed with and published by the City Clerk, as provided in Section 3.16, together with an affidavit of the City Clerk stating that such copy is a true and correct copy of such annual account filed with him, that it was published or posted as required by Illinois Municipal Code Section 3-10-5.1, the date of such filing and publication, and the newspaper in which it was published.

(g) **Special Assessment Funds.** All money received on any special assessment shall be held by the City Treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and the money shall be used for no other purpose, except to reimburse the city for money expended for such improvement.

(h) **Financial Administrator.** The City Treasurer shall have the authority and power to employ a Financial Administrator, which shall be a full-time position in that office under such terms and conditions as are established by the City Council. The Financial Administrator shall be responsible for compiling, gathering and preparing computer information for collection or disbursement of municipal revenue. The Financial Administrator shall administer any and all insurance programs of the City of Hickory Hills and shall do all things necessary in the administration of the various insurance programs. The Financial Administrator shall compile all data, financial reports or other related information requested by the City Council and shall implement any financial or cash management programs as specified and directed by the City Council by ordinance.

3.07 APPOINTED OFFICERS

(a) **Appointment.** Unless otherwise specifically provided by statute, all officers of the city shall be appointed by the Mayor by and with the advice and consent of the City Council. Vacancies in all such city offices may be filled in the same manner.

(b) **Duties.** The City Council, by ordinance, may prescribe the duties, define the powers, and fix the term of office of all such officers, but the term of office, except as may otherwise be expressly provided in the Illinois Municipal Code, shall not exceed that of the Mayor.

(c) **Resignation; Vacancy.** Any such officer of the city may resign from his office. If such officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a city officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified. If such officer ceases to perform the duties of or to hold his office by reason of death, permanent physical or mental disability, conviction of a disqualifying crime, or dismissal from or abandonment of office, the Mayor may appoint a temporary successor to the officer.

(d) **Term of Appointed Officers.** All such officers shall hold their appointive offices until the first Monday of May in each year following their appointments and until their successors shall have been appointed and qualified.

(e) **Failure of Officers-Elect to Qualify.** If any person elected or appointed to any office of the city shall fail to qualify by taking, subscribing and filing the oath of office, statement of economic interest, and making, executing, and filing his official bond, as herein provided, within 10 days after he is officially notified of his election or appointment, the office shall become vacant.

3.08 DESIGNATION OF OFFICERS

The following officers shall be appointed by the Mayor with the advice and consent of the Aldermen:

- Director of Public Works
- City Health Officer
- Building Commissioner
- Plan Review Officer
- City Collector
- Inspectors in all Departments
- Auxiliary Policemen
- City Attorney
- City Prosecutor
- Chief of Police
- Coordinator of Emergency Services and Disaster Agency

All appointees may be removed from office by the Mayor on any formal charge whenever the Mayor is of the opinion that the interests of the city demand removal. He shall report the reason for the removal to the City Council at a meeting to be held not less than 5 nor more than 10 days after the removal. Should the Mayor fail to report the reasons for a removal or should the City Council by a two-thirds vote of all its members authorized by law to be elected disapprove of the removal, the officer shall be restored to office and shall execute a new bond and oath. The removal of the Chief of Police shall be as provided for in Section 4.02 (c) of this code.

3.09 QUALIFICATIONS OF OFFICERS

Any person appointed to any office, board or commission shall have been a resident of the City of Hickory Hills for not less than one year immediately preceding the date of his or her appointment and shall, before assuming the duties of his or her office, file with the City Clerk an affidavit reciting the addresses at which the appointee has resided during the preceding five years. This provision shall not apply to the offices of Engineer, City Attorney, or City Prosecutor, if such office is provided for.

3.10 OATH OF CITY OFFICERS

Before entering upon the duties of their respective offices all city officers, whether elected or appointed, shall take and subscribe the following oath:

I do solemnly swear 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 _____ according to the best of my ability.

This oath so subscribed, shall be filed in the office of the City Clerk.

3.11 BONDS OF CITY OFFICERS

(a) Before entering upon the duties of their respective offices, all city officers, except Aldermen, shall execute a bond with security, to be approved by the City Council. The bond shall be payable to the city in whatever penal sum may be directed by resolution or ordinance, conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer, according to law and ordinance.

(b) The bonds shall be filed with the City Clerk, except the bond of the Clerk, which shall be filed with the City Treasurer.

(c) The amount of the officers' bonds shall be as follows:

Mayor	\$ 3,000
Clerk	10,000
Deputy Clerk	5,000
Treasurer	As required by statute.
Collector	50,000

(d) **Increase in Amount.** Should good cause exist in the judgment and discretion of the City Council any officer may be required, from time to time, to give additional bonds in such sum and within such time as the City Council may by resolution direct.

(e) **Execution of Bonds.** The bond of each officer shall be executed to the City of Hickory Hills with two or more sureties conditioned for the faithful performance of the duties of his office the payment to the proper officer of all moneys coming into his hands by virtue of his office. Each of said sureties shall be freeholders of Cook County, and shall schedule real estate herein, clear of all encumbrances and other legal obligations, in value not less than the penal sum of said bond, which schedule shall be made separately by said sureties and sworn to before some officer authorized to administer oaths, and attached to the bond. Any officer may procure as surety upon any bond he may be required to give, any responsible surety company or corporation. No member of the City Council shall sign any bond in any case wherein in the City of Hickory Hills is interested.

(f) **Surety Bonds.** Whenever a surety bond to indemnify the city is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in this state as a surety company, in the absence of specific provision to the contrary by ordinance.

3.12 PAYMENT OF SALARIES

Unless otherwise specified in this code, the salary and pay of all officers and employees shall be paid only to each person entitled thereto. No officer, deputy to an officer, employee, inspector, or person acting as a representative of the city, shall retain any license fee, permit fee, inspection fee, or compensation for any service in his capacity as such, for any thing, act, or service required to be done or authorized by this code, but all fees are to be turned over to the City Clerk.

3.13 OFFICERS AND EMPLOYEES, DUTIES

(a) **Duties in General.** Each officer, besides the specific duties which may be required of him by virtue of his said office, shall also perform such other and further duties, and be subject to such rules and regulations as the City Council may, from time to time, require, or by ordinance provide and establish.

(b) **Books, Papers Subject to Examination.** All books, papers, vouchers, warrants, entries, accounts and memoranda of each officer and employee of the city may be examined at any time by the Mayor, and the City Council may by resolution call upon any officer to make a report in writing of any subject matter which the City Council may designate in such resolution and within such time as the resolution may prescribe.

(c) **Duty on Termination of Office.** Any person having been an officer or employee of the city whose term has expired or who has resigned or been removed from office, shall within 10 days after notification and request, deliver to his successor in office all property, books, and effects of every description in his possession belonging to the city or appertaining to his office.

3.14 LAW DEPARTMENT

(a) **City Attorney.** There is hereby created the office of City Attorney who shall be appointed by the Mayor with the advice and consent of the Aldermen. The City Attorney shall be the legal advisor to all officers, employees, boards and commissions of the city, except as otherwise provided in this section. The City Attorney shall also prepare or revise ordinances and resolutions, shall give his opinion upon legal matters, shall attend all City Council meetings and committee meetings when requested by the City Council, shall prepare contracts and other legal instruments and shall perform such other duties as the City Council shall prescribe. The City Attorney shall be paid a reasonable compensation which shall be determined by the City Council.

(b) **City Prosecutor.** There is hereby created the office of City Prosecutor who shall be appointed by the Mayor with the advice and consent of the Aldermen. The City Prosecutor shall prosecute all ordinance and traffic violations. The City Prosecutor shall be paid a reasonable compensation which shall be determined by the City Council.

(c) **Local Liquor Control Commissioner, Board of Fire and Police Commissioners and Civil Service Commission Attorneys.** The Local Liquor Control Commissioner, Board of Fire and Police Commissioners and the Civil Service Commission shall have the power to employ an attorney to advise them, provided that an appropriation is made for such employment by the City Council. The attorneys employed shall be paid a reasonable compensation which shall be determined by the City Council.

(d) **Prosecutions Before the Board of Fire and Police Commissioners, Civil Service Commission, and Local Liquor Control Commissioner.** The City Attorney shall prosecute all cases before the Board of Fire and Police Commissioners, Civil Service Commission, and Local Liquor Commissioner unless there exists a conflict of interest with the attorney who represents the appropriate commission.

(e) **Special Legal Counsel.** The City Council may hire an attorney or attorneys to represent or advise the city, its officers, employees, boards or commissions in certain designated business or legal matters whenever the City Council deems the same expedient. Such Special Legal Counsel may handle matters even if that matter would be ordinarily assigned or handled by one of the aforementioned attorneys. Special Legal Counsel shall be paid a reasonable compensation which shall be determined by the City Council.

3.15 CITY COLLECTOR

(a) **General Duties.** The City Collector shall preserve all warrants returned to him, and he shall keep his books and accounts in the manner that the City Council may prescribe. All of the City Collector's warrants, books, and vouchers, and all papers pertaining to his office, may be examined at any time by the Mayor, City Clerk, or any member or committee of the City Council. Weekly and oftener if required by the City Council, the City Collector shall pay over to the City Treasurer all money collected by him from any source whatever, taking the City Treasurer's receipt therefor in duplicate and filing one of the receipts immediately with the City Clerk. At that time, or on demand, the City Clerk shall give the City Collector a copy of any receipt so filed.

(b) **Report; Annual Statement.** When required by the City Council or by ordinance, the City Collector shall make a written report to the City Council or to any officer designated by the City Council, of all money collected by him, the account whereon collected, or of any other official matter. Between the first and tenth of April of each year the City Collector shall file with the City Clerk a statement of (1) all the money collected by him during the year; (2) the particular warrant, special assessment or account on which collected; (3) the balance of money uncollected on all warrants in his possession; and (4) the balance remaining uncollected at the time of the return on all warrants which he returned to the City Clerk during the preceding fiscal year. The City Clerk shall publish the statement at least once, within 10 days, in one or more newspapers published in or with a general circulation in the municipality.

(c) **Detention of Public Money.** The City Collector is prohibited from keeping the city's money in his possession, or in the possession of any person for his use, beyond the time prescribed for its payment to the City Treasurer. Any violation of this provision shall subject him to immediate removal from office.

(d) **Collection of Money and Transfer Thereof.** The City Collector shall collect all water bills, license fees, and special assessment monies, together with all other monies due to the city from any source. The City Collector shall turn over to the City Treasurer, or some other official or person designated by the City Treasurer in writing and approved by the Mayor, all such monies collected at such times as are necessary but not less than at least once a week and shall take a receipt therefor in duplicate. The receipt so taken from the Treasurer or other designated and approved official or person shall transfer responsibility therefor to the City Treasurer.

(e) **Special Assessment Funds.** The City Collector shall perform all of the duties required of him by the Statutes of the State of Illinois concerning the collection and accounting of Special Assessment funds.

(f) **Reports.** The City Collector shall file with the City Clerk, between the first and tenth of April of each year, a statement of (1) all the money collected by him during the year; (2) the particular warrant, special assessment, or account on which collected; (3) the balance of money uncollected on all warrants in his possession; and (4) the balance remaining uncollected at the time of the return on all warrants which he returned to the City Clerk during the preceding fiscal year. The Clerk shall publish the

statement at least once, within 10 days, in one or more newspapers published in the municipality, or if no newspaper is published therein, then in one or more newspapers with a general circulation with the municipality.

3.16 DEPUTY CITY CLERK

(a) **Creation of Office.** There is hereby created the office of Deputy Clerk. The City Clerk is authorized to appoint a Deputy Clerk who shall have the power and duty to execute all documents required by any law or ordinance to be executed by the Clerk, and affix the seal of the city thereto whenever required.

(b) **Signing Documents.** When signing any documents the Deputy Clerk shall sign the name of the Clerk followed by the word "By" and the Deputy Clerk's own name and the words "Deputy Clerk".

(c) **Powers and Duties, When Exercised.** The powers and duties herein described shall be exercised by such Deputy Clerk only in the absence of the City Clerk from his office in the City Hall, and only when either written direction has been given by the Clerk to exercise such power, or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such function.

(d) **Power and Authority.** The Deputy Clerk shall have the authority and power herein described, and such further power and authority as may be provided by statute.

3.17 DIRECTOR OF PUBLIC WORKS

The powers and duties of the Director of Public Works shall be the management of the streets, alleys, sidewalks, right-of-way, sanitary sewer system, water system, storm sewer system and any public works owned or operated by the City.

3.18 CONSULTING ENGINEER

The Mayor shall retain the services of a qualified municipal engineer or engineering firms, upon the advice and consent of the City Council and shall enter into a contract for the term of no longer than one fiscal year for said services after the approval and consent of the City Council. The engineering services to be rendered shall be the regular attendance of City Council meetings for consultation and information, and any other services that may be requested by the City Council or the Mayor for the benefit of the city and its residents.

3.19 BOARD OF LOCAL IMPROVEMENTS

(a) **Members.** The Mayor, all of the Aldermen and the Director of Public Works shall constitute and act as the Board of Local Improvements of the City of Hickory Hills. The Mayor shall be President and the City Clerk shall be Secretary ex-officio of the Board. The Board shall retain the city's attorney as its attorney, and shall retain a consulting engineer, and they shall be paid on a quantum merit basis for services rendered.

(b) **Regular Meetings.** The Board of Local Improvements shall meet on such days and at such times as shall be necessary for the conduct of business.

3.20 RESERVED

3.21 CITY SEAL

The city seal of the City of Hickory Hills shall be circular in form with the words "Corporate Seal" in the inner circle and the words "City of Hickory Hills, Illinois" in the outer circle.

3.22 FINES AND FORFEITURES, DISPOSITION

All fines, penalties, and forfeitures for the violation of ordinances, when collected, and all other money collected for the city shall be paid into the city treasury.

3.23 FISCAL AND MUNICIPAL YEAR

The fiscal and municipal year of the city shall commence on the first day of May in each year and end on the day immediately preceding the succeeding first day of May.

3.24 SALE OF PERSONAL PROPERTY

The Mayor may authorize the sale of personal property that is no longer necessary or useful to, or for the best interest of the City. The Mayor may authorize the sale with or without advertisement; may authorize any municipal officer to convert that personal property into some other form that is useful to the City by using the material in the personal property; or may authorize any municipal officer to trade in the personal property as part payment on a new purchase of a similar article. In the event that an item of personal property has no value or the cost of selling the same would exceed the sale price, the Mayor may authorize the donation or junking of such personal property.

No personal property may be sold or transferred to any officer or employee of the City without advertisement and the acceptance of public bids. The Mayor shall report in writing to the City Council with regard to any personal property disposed of under the provisions of this section within 10 days after sale or transfer.

3.25 WARRANTS

All warrants drawn upon the Treasurer must be signed by the Mayor and countersigned by the City Clerk and must state the particular fund to which same is chargeable and the person to whom payable, and for what purpose the same was drawn and no money shall be otherwise paid upon warrants so drawn.

3.251 ISSUANCE OF CHECKS

All checks issued by the city for payment of money shall be issued over the signature of both the Mayor and the Treasurer.

3.26 CONTRACTS WHERE BIDDING REQUIRED

Any public improvement exceeding the amount required by §8-9-1 of the Illinois Municipal Code for bidding (currently \$10,000) shall be let to the lowest responsible bidder after advertising for bids unless the waiving of bids is authorized by two-thirds of the City Council.

3.261 EXPENDITURES AND PURCHASES, APPROVAL

All purchase of goods, services, and supplies must be authorized as provided herein. The department head shall have the authority to authorize any expenditure of \$1,000 or less. The chairman of the appropriate committee shall have the authority to authorize any expenditure of \$5,000 or less. Any expenditure in excess of \$5,000, other than a reoccurring expenditure in the ordinary course of business, must be authorized by the City Council.

Any expenditure in excess of \$10,000, other than a reoccurring expenditure in the ordinary course of business, shall be authorized by the City Council after receiving proposals or quotes from more than one source, unless the expenditure is unique, from a local or sole supplier, or waived by two-thirds vote of the City Council.

No employee, officer, or official of the City may authorize any expenditure unless the same has been provided for in the appropriation ordinance.

3.27 SPECIAL ASSESSMENTS

The City of Hickory Hills hereby adopts the provisions of Article 9, Division 2, Chapter 24 of the Illinois Revised Statutes for local improvements to be paid in whole or in part by Special Assessment.

3.271 UNCLAIMED REBATE FUND

There is hereby established an unclaimed rebate fund into which shall be transferred any undistributed and unclaimed monies which remain in the possession of the city for a period of four years or more from the due date of the last installment after notice is given as provided by Article 9 of the Illinois Municipal Code.

3.28 YOUTH COMMISSION

(a) There is hereby created a new youth commission which shall be known as the "Hickory Hills Youth Commission."

(b) The commission shall consist of 7 members, all of whom shall be 19 years of age or older.

(c) All members shall be appointed by the Mayor with the advice and consent of the Aldermen.

(d) The term of each member shall be for 3 years.

(e) All members shall serve until their successors are appointed and qualified. Any member may be removed from office by the Mayor on any formal charge whenever the Mayor is of the opinion that the interests of the city demand removal. He shall report the reason for the removal to the City Council at a meeting to be held not less than five nor more than ten days after the removal. Should the Mayor fail to report the reasons for a removal or should the City Council by a two-thirds vote of all its members authorized by law to be elected disapprove of the removal, the officer shall be restored to office.

(f) The commission shall exercise the following powers and shall perform the following duties:

1. Defining problems of youth in the city.
2. Developing programs to deal with and solve youth problems.
3. Examining present programs and encouraging new programs of other governmental agencies and private agencies.
4. Utilizing public and private facilities for youth programs.
5. Organizing and assisting new programs for youth development in areas of employment, criminal awareness, recreation, and community participation.

6. Assisting the Coordinator of Federal and State Aid in securing funding and grants for youth programs.

7. Sponsoring a "Junior Youth Commission" and assisting in creating new programs which the youth of the city feel are beneficial to themselves.

8. Cooperating with all governmental agencies in the coordination of youth programs in the city.

9. Acting as community resource for the Police Department and Probation Department of Cook County to help alleviate criminal injustices.

10. Recommending the employment of personnel as authorized in the appropriation ordinance.

11. Submitting an annual report in May of each year to the City Council containing a synopsis of the past year's activities, together with recommendations for the next fiscal year.

(g) The City Council may hire an Executive Director who shall be an employee of the city and shall have the following duties and functions:

1. Presiding over meetings of the commission.

2. Consulting with city departments on youth matters.

3. Developing and implementing programs designed to prevent delinquency, to correct delinquency, and to rehabilitate youthful offenders.

4. Representing the commission in dealing with private and public agencies whose concerns deal with the welfare of youths.

5. Cooperating with other governmental agencies.

6. Performing such other functions as shall be necessary or desirable in meeting the ends established for the commission.

(h) The commission shall receive such annual appropriation as provided by the City Council. The commission shall be empowered to solicit and receive donations and grants from public and private resources. All such monies shall be paid into the city treasury. The commission may expend such monies as are approved by the City Council pursuant to procedures established thereby. Nothing herein shall disqualify any member of the commission or the Executive Director from being paid for services rendered provided that said compensation is approved by the City Council.

(i) The commission shall meet at least monthly. Said meetings shall be open to the public and shall comply with the open meetings law of the state. The business of said meetings shall be governed by Robert's Rules of Order unless the commission shall adopt its own rules of order. The commission shall provide for its officers and the selection thereof.

3.29 SENIOR CITIZENS COMMISSION

(a) **Created.** There is hereby established for the city a Senior Citizen Commission, which shall be known as "The Senior Citizen Commission of Hickory Hills."

(b) **Membership.** The commission shall consist of 5 members, all of whom shall be senior citizens. The entire commission shall elect one of the commission members as chairman; the chairman (or chairwoman) shall serve for a period of one year.

(c) **Appointment.** All persons appointed to the commission shall be appointed by the Mayor in the first month of the fiscal year with the advice and consent of the City Council. All persons appointed to the commission shall be residents of the City of Hickory Hills. Recommendations of prospective commission members may be made by the commission to the Mayor.

(d) **Terms of Office.** The term of office for each adult member shall be for a period of one year. However, a member may continue to serve until his or her successor is duly appointed and qualified.

(e) **Removal of Members.** Any member of the commission may be removed by the Mayor for cause shown, first having given such a member a copy of the charges against him in writing and reasonable notice of the time and place where said charges will be heard by the City Council. The member shall be given an opportunity at such hearing to defend himself or herself.

(f) **Powers and Duties of Commission.** The commission shall coordinate the providing of opportunities for the senior citizens of the city to:

1. Be assisted and advised in acquiring governmental and public assistance where provided and when needed.

2. Socialize and to become better acquainted through mutual interests and functions. The coordinating of leisure time and recreational programs shall be initiated and sustained.

3. The commission shall cooperate with all municipal corporations who have jurisdiction in the State of Illinois or who represent the federal government.

4. The commission may act as a community resource where the subject of concern is senior citizens.

5. The commission shall counsel the Mayor and the City Council concerning such ordinances as may be needed for senior citizens.

6. The commission shall publish and submit to the Mayor and City Council reports of its activities and pertinent financial information as may be deemed by law at 6 month intervals.

7. The commission shall meet at least once per month and upon notice of 24 hours by the chairman of the commission.

8. The commission shall make expenditures of city money as authorized by City Council and as may be authorized by appropriation in accordance with city budgetary and accounting practices.

(g) **Finances.** The commission shall receive from the city an annual appropriation as to be provided by the Mayor and City Council. The commission shall be empowered to solicit, receive and obtain monies, funds, and grants from public or private resources upon approval of the City Council. The commission shall be responsible to the Mayor and the City Council for all expenditures and shall submit reports as may be designated by the Mayor and the chairman of the Finance Committee of the City Council.

(h) **Robert's Rules of Order.** The business of the commission shall be conducted in accordance with Robert's Rules of Order.

(i) **Definition of Senior Citizen.** The definition of "senior citizen" which shall apply only to the Senior Citizen Commission of Hickory Hills is any person residing in the city who is of the age of 60 years or more. Special exception may be provided with the concurrence of the Major and City Council.

3.30 EMERGENCY SERVICES AND DISASTER AGENCY

(a) **Establishment.** There is hereby created the City of Hickory Hills Emergency Services and Disaster Agency, hereinafter called the ESDA, to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster. This ESDA shall consist of the coordinator and such additional members as may be selected by the coordinator.

(b) **Coordinator.** The coordinator of the City ESDA shall be appointed by the Mayor with the consent of the City Council and shall serve until removed by the same. The coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the Mayor as provided by statute. In the event of the absence, resignation, death or inability to serve as the coordinator, the Mayor or any person designated by him, shall be and act as coordinator until a new appointment is made as provided in this section.

(c) **Function.** The City ESDA shall perform such ESDA functions within the city as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid agreement with any other political subdivision.

(d) **Service as Mobile Support Team.** All or any members of the city organization may be designated as members of a Mobile Support Team created by the director of the State ESDA as provided by law. The leader of such Mobile Support Team shall be designated by the coordinator of the City ESDA organization. Any member of a Mobile Support Team who is a city employee or officer while serving on call to duty by the Governor or the State Director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the city while so serving, shall receive from the state reasonable compensation as provided by law.

(e) **Agreements with Other Political Subdivisions.** The coordinator of ESDA may negotiate Mutual Aid agreements with other political subdivisions of the state, but no such agreement shall be effective until it has been approved by the City Council and by the State Director of ESDA.

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

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

(h) **Reimbursement by State.** The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the city for expenses incident to training members of the ESDA prescribed by the State Director of ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the city in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law.

(i) **Purchases and Expenditures.** The City Council may, on recommendation of the city coordinator of ESDA, authorize any purchase or contracts necessary to place the city in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and

to protect the public health and safety, protect, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

In the event of enemy caused or other disaster, the city coordinator of ESDA is authorized on behalf of the city to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to city contracts or obligations.

(j) **Oath.** Every person appointed to serve in any capacity in the City ESDA organization shall, before entering upon his duties, subscribe to an oath.

(k) **Office.** The Mayor is authorized to designate space in a building or elsewhere, as may be provided for by the City Council for the City ESDA as its office.

3.31 BLOOD DONORS COMMISSION

(a) There is hereby created the "Blood Donors Commission".

(b) The commission shall consist of 6 members.

(c) All members shall be appointed by the Mayor with the advice and consent of the aldermen.

(d) The term of each member shall be for 6 years.

(e) All members shall serve until their successors are appointed and qualified. Any member may be removed from office by the Mayor on any formal charge whenever the Mayor is of the opinion that the interests of the City demand removal. He shall report the reason for the removal to the City Council at a meeting to be held not less than five nor more than ten days after the removal. Should the Mayor fail to report the reasons for a removal or should the City Council by a two-thirds vote of all its members authorized by law to be elected disapprove of the removal, the officer shall be restored to office.

(f) The commission shall exercise the following powers and shall perform the following duties:

1. Defining problems of blood donation in the City.
2. Developing programs to deal with and solve blood donation problems.
3. Examining present programs and encouraging new programs of other governmental agencies and private agencies.
4. Utilizing public and private facilities for blood donation programs.
5. Disseminating public information on blood.
6. Serve as liaison with the American Red Cross.
7. Conduct and manage the City blood drives.
8. Cooperating with all governmental agencies in the coordination of blood donation programs in the City.

9. Submitting an annual report in May of each year to the City Council containing a synopsis of the past year's activities together with recommendations for the next fiscal year.

(g) The commission shall receive such annual appropriation as provided by the City Council. The commission shall be empowered to solicit and receive donations and grants from public and private resources. All such monies shall be paid into the City treasury. The commission may expend such monies as are approved by the City Council pursuant to procedures established thereby.

(h) The commission shall meet as they establish. Said meetings shall be open to the public and shall comply with the open meetings law of the State. The business of said meetings shall be governed by Robert's Rules of Order unless the commission shall adopt its own rules of order. The commission shall provide for its officers and the selection thereof.

3.32 INDEMNIFICATION

(a) The City shall, under the conditions, imposed herein:

1. Appoint counsel to appear and defend, or reimburse the fees of an attorney who appears and defends; and

2. Pay all judgments, verdict, claims, and costs resulting from any claim or lawsuit on behalf of any officer or employee of the City or any former officer or employee of the City.

(b) The appointment of counsel, reimbursement for costs of counsel, and payment of all judgments, shall be a matter of right, but shall cover only those duties or actions committed by the employee or officer within the course of employment within the scope of his duties, or by the nature of the office or employment held if all conditions herein are met. The appointment of counsel to defend or the reimbursement of other counsel shall be at the option of the City Council.

(c) Any person desiring to avail themselves of the provisions of this section must within 5 days after receiving a notice of claim, or summons, whichever occurs first, notify the Mayor, City Council, and Attorney in writing of the possible claim. Only claims by individuals other than City employees or officers are covered by this section. Without limitation, this section does not cover any claim against the City by an officer or employee, by the City against any officer or employee, or by any fellow employee or officer against any officer or employee.

(d) No person shall be entitled to any of the benefits of this section if any action or inaction on his part was done with malice or willful misconduct, where there is a finding of guilty against him in a criminal or quasi-criminal action, or where there is a finding of malice or willful misconduct in any civil action or civil rights action.

(e) The provisions of this section do not apply where there is insurance coverage or where an insurance carrier appears and defends an action.

(f) No reimbursement for any attorney's fees shall be paid until the City Council is satisfied that the action being defended falls within the provisions of this ordinance. Should attorney's fees be reimbursed and the subsequent decision of a court result in the employee or officer not being eligible under the conditions of this section, then such monies shall be paid back to the City within 30 days of a demand by the City. Any rate or fees paid to an attorney shall have prior approval of the City, and reimbursement shall only be made at such rate or fees as is approved by the City.

(g) No person who makes any settlement, compromise, or statement without the knowledge of the City shall be eligible for any of the benefits of this section.

(h) The provisions of this section shall apply to any lawsuit instituted after the date of passage, or any claim or investigation instituted after the date of its passage.

3.33 COMMUNITY AFFAIRS COMMISSION

- (a) There is hereby created the "Community Affairs Commission".
- (b) The commission shall consist of 6 members.
- (c) All members shall be appointed by the Mayor with the advice and consent of the aldermen.
- (d) The term of each member shall be for 3 years.
- (e) All members shall serve until their successors are appointed and qualified. Any member may be removed from office by the Mayor on any formal charge whenever the Mayor is of the opinion that the interests of the City demand removal. He shall report the reason for the removal to the City Council at a meeting to be held not less than five nor more than ten days after the removal. Should the Mayor fail to report the reasons for a removal or should the City Council by a two-thirds vote of all its members authorized by law to be elected disapprove of the removal, the officer shall be restored to office.
- (f) The commission shall exercise the following powers and shall perform the following duties in planning and developing functions within the City of Hickory Hills which include:
 - 1. A comprehensive tree program which will assist our citizens in obtaining trees to plant, also a tree planting program for City parkways, which could be developed over a period of two to three years.
 - 2. Be responsible for the holiday decorations on our main thoroughfares.
 - 3. Cooperate with all government agencies on all matters pertaining to the planning of City functions by consulting department heads on the proper procedures to follow.
 - 4. Submit an annual report to the City Council each May containing a brief outline of the past year's activities and expenditures along with recommendations for the next fiscal year.
- (g) The commission shall receive such annual appropriations as provided by the City Council. The commission shall be empowered to solicit and receive donations and grants from public and private resources. All such monies shall be paid into the City treasury. The commission may expend such monies as are approved by the City Council pursuant to procedures established thereby.
- (h) The commission shall meet as they establish. Said meetings shall be open to the public and shall comply with the open meetings law of the State. The business of said meetings shall be governed by Robert's Rules of Order unless the commission shall adopt its own rules of order. The commission shall provide for its officers and the selection thereof.

3.34 RECYCLING COMMISSION

- (a) There is hereby created the "Recycling Commission".
- (b) The commission shall consist of 6 members.
- (c) All members shall be appointed by the Mayor with the advice and consent of the aldermen.
- (d) The term of each member shall be for 3 years.

(e) All members shall serve until their successors are appointed and qualified. Any member may be removed from office by the Mayor on any formal charge whenever the Mayor is of the opinion that the interest of the City demand removal. He shall report the reason for the removal to the City Council at a meeting to be held not less than five nor more than ten days after the removal. Should the Mayor fail to report the reasons for a removal or should the City Council by a two-thirds vote of all its members authorized by law to be elected disapprove of the removal, the officer shall be restored to office.

(f) The commission shall exercise the following powers and shall perform the following duties in developing programs to encourage the recycling and reuse of materials in the City of Hickory Hills which should include:

1. Establishing a comprehensive recycling program with the cooperation of scavenger companies servicing the City's residential, multi-family, commercial, and industrial uses.
2. Encouraging cooperation and developing programs with the Illinois Environmental Protection Agency and the Illinois Department of Energy and Natural Resources.
3. Promoting the aims and programs of the Solid Waste Planning and Recycling Act.
4. Promoting public education and notification programs to foster understanding of and encourage compliance with recycling programs.
5. Promoting the use of products made from recovered or recycled materials.
6. Implementing recycling programs under any waste management plan established by Cook County, the Southwest Conference of Local Governments or the Southwest Cook County Solid Waste Advisory Committee.
7. Advising the City Council as to the expenditure of funds obtained from the sale of recycled materials.
8. Submit an annual report to the City Council each may containing a brief outline of the past year's activities and expenditures, along with recommendations for the next fiscal year.

(g) The commission shall receive such annual appropriations as provided by the City Council. The commission shall be empowered to solicit and receive donations and grants from public and private resources. All such monies shall be paid into the city treasury. The commission may expend such monies as are approved by the City Council pursuant to procedures established thereby.

(h) The commission shall meet as they establish. Said meetings shall be open to the public and shall comply with the open meetings law of the State. The business of said meetings shall be governed by Robert's Rules of Order unless the commission shall adopt its own rules of order. The commission shall provide for its officers and the selection thereof.

3.35 EMERGENCY TELEPHONE SYSTEM BOARD

(a) There is hereby created the "Emergency Telephone System Board" consisting of 7 members appointed by the Mayor with the advice and consent of the aldermen. The term of each member shall be for 3 years except that the terms of the initial appointments shall be staggered so that 3 expire on May 1, 1995, 2 expire on May 1, 1994 and 2 expire on May 1, 1993. All members shall possess the qualifications required under the Emergency Telephone System Act (50 ILCS 750/0.01). The Mayor shall annually designate one of the members as chairman.

(b) All members shall serve without compensation until their successors are appointed and qualified. Any member may be removed from office by the Mayor on any formal charge whenever the

Mayor is of the opinion that the interest of the City demand removal. He shall report the reason for the removal to the City Council at a meeting to be held not less than five nor more than ten days after the removal. Should the Mayor fail to report the reasons for a removal or should the City Council by a two-thirds vote of all its members authorized by law to be elected disapprove of the removal, the officer shall be restored to office.

(c) The Board shall meet at least quarterly as they establish. Said meetings shall be open to the public and shall comply with the Open Meetings Act (5 ILCS 120/1.01). The business of said meetings shall be governed by Robert's Rules of Order unless the Board shall adopt its own rules of order. The Board shall provide for its officers (except the Chairman) and the selection thereof.

(d) The Board shall exercise the powers and shall perform the duties authorized by the Emergency Telephone System Act including:

1. Planning a 9-1-1 system.
2. Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems.
3. Receiving monies from the surcharge, and from any other source, for deposit into the Emergency Telephone System Fund.
4. Authorizing all disbursements from the fund.
5. Hiring, on a temporary basis, any staff necessary for the implementation or upgrade of the system.

(e) The City Treasurer shall be custodian of the Emergency Telephone System Fund. No expenditures may be made therefrom except upon approval of a majority of all members of the Board. Expenditures may be made only to pay for costs authorized under the Emergency Telephone System Act.

3.36 SENIOR HOUSING COMMISSION

(a) There is hereby created the "Senior Housing Commission" consisting of three members, two of whom shall be the Aldermen of the First Ward and the third shall be appointed by the Mayor with the advice and consent of the Aldermen. Each member shall hold office for an indefinite term until their successor is either elected or appointed. The Mayor shall designate one of the members to serve as chairman. All members shall serve without compensation.

(b) The Commission shall meet as they shall establish, said meetings to be open to the public and to comply with the Open Meetings Act.

(c) The City Council delegates to the Commission the right to exercise the following powers of the City under the provisions of 65 ILCS 5/11-29.3-1 with respect to senior citizens housing:

1. To construct, manage, lease, reconstruct, improve, or rehabilitate any real estate and to purchase or acquire personal property.
2. To employ or contract with others for management.
3. To accept grants, contributions, and gifts.
4. To charge rents and fees of tenants.

5. To enter into leases.
6. To expend municipal funds in the exercise of its powers hereunder provided that any expenditure must be approved by a majority vote of the Commission and all checks issued by the Commission must contain the signatures of at least two of the three members.
7. To make all such contracts as may be necessary in the exercise of its powers hereunder.
8. To issue a monthly report to the Treasurer of all funds received and expended.

3.37 CODE HEARING DEPARTMENT (65 ILCS 5/11-31.1-1, et seq.)

(a) **Establishment of Code Hearing Department.** The City of Hickory Hills, pursuant to the provisions of 65 ILCS 5/11-31.1-1, *et seq.*, hereby establishes a Code Hearing Department to expedite the prosecution and correction of Code violations. For purposes of this section, the following definitions apply:

1. "Code" means any provision of the Municipal Code of the City of Hickory Hills relating to or establishing construction, zoning, plumbing, heating, electrical, fire prevention, sanitation, property maintenance or other health or safety standards applicable to property or structures within the City of Hickory Hills.
2. "Building Inspector" means any officer or employee of the City of Hickory Hills whose duties include the inspection or examination of structures or property in the City of Hickory Hills to determine whether a Code violation exists.
3. "Property Owner" means the legal or beneficial owner of a structure, or a person who contracts with the federal government, or any agency thereof, to care for vacant residential real estate.
4. "Hearing Officer" means that person appointed to hear the administrative adjudication of parking tickets as provided for in § 41.24(a) of the Municipal Code of the City of Hickory Hills. The Hearing Officer shall have all duties as provided for in 65 ILCS 5/11-31.1-1(d).
5. "Code Hearing Department" means the employees of the Hickory Hills Police and Building Departments chosen by the Chief of Police and Building Commissioner to process and maintain all records relating to the implementation and enforcement of the provisions of this section.

(b) **Instituting Code Hearing Proceedings.** When a building inspector finds a code violation while inspecting a structure, he shall note the violation on a multiple copy violation notice and report form, indicating the name and address of the structure owner, the type and nature of the violation, the date and time the violation was observed, the names of witnesses to the violation, and the address of the structure where the violation is observed. The violation report form shall be forwarded by the building inspector to the Code Hearing Department where a Docket number shall be stamped on all copies of the report, and a hearing date noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 nor more than 40 days after the violation is reported by the building inspector. One copy of the violation report form shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report form shall be returned to the building inspector so that he may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail on the owner of the structure, along with a summons commanding the owner to appear at the hearing. If the municipality in which the structure is situated has an ordinance requiring property owners to register with the municipality, service may be made on the owner by mailing the report and summons to the owner's address registered

with the municipality. If the name of the owner of the structure cannot be ascertained or if service on the owner cannot be made by mail, service may be made on the owner by posting or nailing a copy of the violation report form on the front door of the structure where the violation is found, not less than 20 days before the hearing is scheduled.

(c) **Subpoenas-Defaults.** At any time prior to the hearing date the hearing officer assigned to hear the case may, at the request of the building inspector or the attorney for the City, or the owner or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing. If on the date set for hearing the owners or his attorney fails to appear, the hearing officer may find the owner in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

(d) **Continuances-Representation at Code Hearings.** No continuances shall be authorized by the hearing officer in proceedings under this section except in cases where a continuance is absolutely necessary to protect the rights of the owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this section shall not exceed 25 days. The case for the City may be presented by the building inspector, by any other City employee or by an attorney designated by the City. However, in no event shall the case for the municipality be presented by an employee of the Code Hearing Department. The case for the dwelling owner may be presented by the owner, his attorney, or any other agent or representative.

(e) **Hearing Evidence.** At the hearing, a hearing officer shall preside and shall hear testimony and accept any evidence relevant to the existence or non-existence of a code violation in the structure indicated. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Division.

(f) **Eviction-Rights of the Occupants.** No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing.

(g) **Defenses to Code Violation.** It shall be a defense to a code violation charged under this section if the owner, his attorney, or any other agent or representative proves to the hearing officer's satisfaction that:

1. The code violation alleged in the notice does not in fact exist, or at the time of the hearing the violation has been remedied or removed;
2. The code violation has been caused by the current building occupants and that in spite of reasonable attempts by the owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations;
3. An occupant or resident of the dwelling has refused entry to the owner or his agent to all or a part of the dwelling for the purpose of correcting the code violation.

(h) **Findings, Decision, Order.** At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the findings of fact, and an order, ordering the owner to correct the violation or dismissing the case, in the event a violation is not proved. If a code violation is proved, the order may also impose the sanctions that are provided in the code for the violation proved. A copy of the findings, decision, and order shall be served on the owner within 5 days after they are issued; service shall be in the same manner as the report form and summons are served pursuant to subsection (b) above. Payment of any penalty or fine, and the disposition of said monies, shall be in the same manner as provided for in the Municipal Code, unless otherwise provided by the City Council.

(i) **Review under Administrative Review Law.** The findings, decisions and orders of the hearing officer shall be subject to review under the Administrative Review Law.

(j) **Judgment on Findings.** Any fine, cost, or other sanction imposed on a property owner remaining unpaid after the exhaustion of, or failure to exhaust, judicial review procedures under the Administrative Review Law, or is affirmed after appeal, shall be a debt due and owing the City of Hickory Hills and may be collected in accordance with applicable law. The City may commence a proceeding in the Circuit Court of Cook County for purposes of obtaining a judgment on the finding, decision or order. The City of Hickory Hills is hereby authorized to commence any such action in conformance with the provisions of 65 ILCS 5/11-31.1-11.1 and the Illinois Code of Civil Procedure. Any finding, decision or order of the hearing officer shall attach to the property as well as the property owner so that a finding of a code violation cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of the property takes subject to the finding, decision and order of the hearing officer.

(k) **Non-exclusivity of remedies.** Notwithstanding any other provision of this section, the City of Hickory Hills is not precluded from using any other method authorized by law to enforce the provisions of its codes.

3.38 CODE HEARING DEPARTMENT (65 ILCS 5/1-2.2-1, et seq.)

(a) **Establishment of Code Hearing Department.** The City of Hickory Hills, pursuant to the provisions of 65 ILCS 5/1-2.2-1, *et seq.*, hereby establishes a code hearing department to expedite the prosecution and correction of any violation of a municipal ordinance except for: building code violations that must be adjudicated pursuant to the provisions of Section 3.37 of the Hickory Hills Municipal Code; any offense under the Illinois Vehicle Code or similar offense that is a traffic regulation governing the movement of vehicles; and except for any reportable offenses under Section 6-204 of the Illinois Vehicle Code. For purposes of this section, the following definitions apply:

“Code” means any municipal ordinance except for (i) building code violations that must be adjudicated pursuant to section 31.1 of Article 11 of this Act and (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.

“Hearing Officer” means a City employee or an officer or agent of a municipality, other than a law enforcement officer, whose duty it is to:

1. preside at an administrative hearing called to determine whether or not a code violation exists;
2. hear testimony and accept evidence from all interested parties relevant to the existence of a code violation;
3. preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
4. issue and sign a written finding, decision, and order stating whether a code violation exists.

(b) **Hearing procedures not exclusive.** The remedies provided for by this section are not exclusive and the City has the option of prosecuting code violations in any manner provided by law.

(c) **Instituting hearing code proceedings.** When a police officer or other individual authorized to issue a code violation finds a code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates (i) the name and address of the defendant, (ii) the type and nature of the violation, (iii) the date and time and the violation was observed, and (iv) the names of the witnesses of the violation.

The violation report form shall be forwarded to the code hearing department where a docket number shall be stamped on all copies of the report and a hearing date shall be noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 nor more than 40 days after the violation is reported.

One copy of the violation report form shall be maintained in the files of the code hearing department and shall be part of the record of hearing, one copy of the report form shall be returned to the individual representing the City in the case so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing.

(d) **Subpoenas; defaults.** At any time prior to the hearing date, the hearing officer assigned to hear the case may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If on the date set for the hearing the defendant or his or her attorney fails to appear, the hearing officer may find the defendant in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

(e) **Continuances; representation at code hearings.** No continuances shall be authorized by the hearing officer in proceedings under this section except in cases where a continuance as absolutely necessary to protect the right of the defendant. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this section shall not exceed 25 days. The case for the City may be presented by an attorney designated by the City or by any other City employee, except that the case for the City shall not be presented by an employee of the code hearing department. The case for the defendant may be presented by the defendant, his or her attorney, or any other agent or representative of the defendant.

(f) **Hearing; evidence.** At the hearing a hearing officer shall preside, shall hear testimony, and shall accept any evidence relevant to the existence or non-existence of a code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this section.

(g) **Qualifications of hearing officers.** Prior to conducting proceedings under this section, the hearing officer shall successfully complete a formal training program that includes the following:

1. instruction on the rules of procedure of the hearing that they will conduct;
2. orientation to each subject area of the code violations that they will administer;
3. observation of administrative hearings; and
4. participation in hypothetical cases, including rules on evidence and issuing final orders.

In addition, every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three years.

(h) **Findings, decision, and order.** At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include (i) the hearing officer's findings of fact; (ii) a decision whether or not a code violation exists based upon the findings of fact; (iii) and an order that states the sanction or dismisses the case if a violation is not proved. A monetary sanction for a violation under this section shall not exceed the amount provided for in 65 ILCS 5/1-2-1.1. A copy of the findings, decision, and order shall be served on the owner within 5 days after it is issued. Service shall be in the same manner that the report form and summons are served under 65/ILCS 5/1-2.2-20. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as provided by law.

(i) **Review under Administrative Review Law.** The findings, decision, and order of the hearing officer shall be subject to review in the circuit court of the county in which the municipality is located. The provisions of the Administrative Review Law, and the rules adopted pursuant thereto, shall apply to and govern every action for the judicial review of the findings, decision, and order of a hearing officer under this section.

(j) **Judgment on Findings.**

1. A fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the City and, as such, may be collected in accordance with applicable law.

2. After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the code violation, the City may command a proceeding in the circuit court of the county in which the City is located for purpose of obtaining a judgment on findings, decision, and order. Nothing in this section shall prevent the City from consolidating multiple findings, decisions, and orders against a person in such a proceeding. Upon commencement of the action, the City shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision, and order was issued in accordance with this section and the applicable City ordinances. Service of the summons and a copy of the petition may be by any method provided that the total amount of fines, other sanctions, and costs imposed by the findings, decision, and order does not exceed \$2,500. If the court is satisfied that the findings, decision, and order was entered in accordance with the requirements of this section and the applicable municipal ordinance and that the defendant had an opportunity for a hearing under this section and for judicial review as provided in this section:

A. The court shall render judgment in favor of the City and against the defendant for the amount indicated in the findings, decision and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

B. The court may also issue any other orders and injunctions that are requested by the City to enforce the order of the hearing officer to correct a code violation.

3.39 DIRECTOR OF PUBLIC SAFETY

(a) **Office Created, Appointment.** There is hereby created the office of Director of Public Safety who shall be appointed by the Mayor with the advice and consent of the Aldermen.

(b) **Duties.** The Director of Public Safety shall have the following duties:

1. Exercise direct charge and control over the Police Department, and all personnel therein.
2. Act as liaison between Emergency Telephone System Board and the City Council.
3. Act as liaison between the Emergency Services and Disaster Agency and the City Council.
4. Recommend budget expenditures to the Finance Committee for the Police Department, the Emergency Telephone System Board, and the Emergency Services and Disaster Agency.
5. Act as project manager for the construction of new police and telecommunication facilities.

(c) **Limitations.** The Director of Public Safety shall not be a sworn police officer or a conservator of the peace, shall not have the power of arrest and shall not have authority to carry a concealed weapon.

(d) **Compensation.** The Director of Public Safety shall receive such compensation and benefits as approved by the City Council.

3.40. RACIAL OR GENDER PROFILING

It shall be unlawful for any employee, including any full-time, part-time or auxiliary police officer, to engage in the practice of racial or gender profiling while in the investigation or enforcement of any laws of the State of Illinois or the City. For purposes of this Section, the term "racial or gender profiling" shall mean any action taken during a traffic stop or the enforcement of any law based upon racial, ethnic or gender stereotypes which has the effect of treating that person differently than a non-minority person.

3.41. ETHICAL CONDUCT

(a) **Definitions.** For purposes of this Section, 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 Section, 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 Employer, 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 Hickory Hills.

"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:

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 helping in an effort to get voters to the polls.

8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

10. Preparing or reviewing responses to candidate questionnaires.

11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

12. Campaigning for any elective office or for or against any referendum question.

13. Managing or working on a campaign for elective office or for or against any referendum question.

14. Serving as a delegate, alternate, or proxy to a political party convention.

15. Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

1. is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

2. does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

3. conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

4. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

(b) 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 Employer 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 paragraph (b) 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 paragraph (b).

5. No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

(c) **Gift Ban.**

1. Except as permitted by this paragraph (c), 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 this paragraph (c). No prohibited source shall intentionally offer or make a gift that violates this paragraph (c).

2. The provisions of paragraph (c)(1) shall be 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, "intragovernmental 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 above is mutually exclusive and independent of every other.

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

(d) **Penalties.**

1. A person who intentionally violates any provision of paragraph (b) may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

2. A person who intentionally violates any provision of paragraph (c) is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

3. Any person who intentionally makes a false report alleging a violation of any provision of this Section 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 364 days, and may be fined in an amount not to exceed \$2,500.

4. A violation of paragraph (b) shall be prosecuted as a criminal offense by an attorney specially appointed by the Employer 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.

5. A violation of paragraph (c) may be prosecuted as a quasi-criminal offense by an attorney specially appointed by the Employer.

6. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of paragraph (b) or paragraph (c) is subject to discipline or discharge.