

**CITY OF FREEPORT
STEPHENSON COUNTY, ILLINOIS**

ORDINANCE NO. 2017-52

**AN ORDINANCE AMENDING VARIOUS SECTIONS WITHIN TITLE SIX-
ADMINISTRATION OF THE CODIFIED ORDINANCES OF THE CITY OF
FREEPORT, ILLINOIS TO PROVIDE A RESIDENCY REQUIREMENT FOR CITY
DEPARTMENT HEADS AND TO PROVIDE FOR THE APPOINTMENT OF
DEPARTMENT HEADS BY THE CITY MANAGER**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF FREEPORT, ILLINOIS
THIS ___ DAY OF _____, 2017**

**Published in pamphlet form by authority of the
City Council of the City of Freeport,
Stephenson County, Illinois, this
_____ day of _____, 2017.**

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ORDINANCE NO. 2017-52

WHEREAS, the City of Freeport, Illinois (“City”) has Codified Ordinances of the City (the “Code”); and

WHEREAS, the City desires to require that, after the effective date of this Ordinance, any person appointed to serve as a department head of the City, must reside within the City limits within six (6) months of being appointed; and

WHEREAS, the City now desires to amend the various Sections within Title Six – Administration of the Code which govern the City department heads to include such residency requirement; and

WHEREAS, the City Council finds that such amendment is in the best interests of the public health, safety, morals and general welfare of the residents of the City of Freeport.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS AS FOLLOWS:

Section 1. The above-recitals are incorporated herein and made a part hereof.

Section 2. That Section 232.03(a) regarding “Establishment and Incidents of Office” of the Public Works Director and Section 232.03(b) regarding “Duties” of the Public Works Director are hereby amended to read as follows (**bold** language to be added, ~~strikethrough~~ language to be deleted):

“(a) Establishment and Incidents of Office. There is hereby established the office of Public Works Director. The office of Public Works Director shall be subject to the provisions of Sections 288.04 et seq., which provide for appointment, term of office, removal from office and vacancy in office.

The Public Works Director shall be appointed, and may be removed from office with or without cause, by the **City Manager** ~~Mayor with the consent of Council~~. The Public Works Director shall receive such compensation as is set forth in the Salary Schedule provided in Chapter 290, and the Director shall be subject to all rules and regulations set forth in Chapter 290.

Commencing August 1, 2017 and thereafter, any person newly appointed to serve as the Public Works Director shall reside within the corporate limits of the City within six (6) months of the date of his/her appointment.

(b) Duties. The Public Works Director shall:

- (1) Be the executive head of the Department of Public Works. The Superintendent of Streets shall be under his or her supervision, direction and control.
- (2) Have the daily supervision, direction and control of employees within the Division of Health and Environment.
- (3) Locate and establish the lines and grades of any sidewalk, street or other public way when requested by the **City Manager** ~~Mayor or Council~~, and furnish such lines and grades to persons desiring the same for properly locating and constructing any sidewalk, curbing or building. He or she shall make any and all surveys in and for the City ordered by **City Manager** ~~Council~~.
- (4) Prepare, or arrange for preparation and submission of, all necessary plans, maps, plats, profiles, specifications and estimates for any public works or improvements proposed or ordered by **City Manager** ~~Council~~.
- (5) Except in those cases when the City shall, by ordinance or contract, provide for a special inspector or consultant, ~~or except as to matters under the jurisdiction of the Board of Water and Sewer Commissioners,~~ superintend the construction of all streets, pavements, bridges, storm sewers and other public improvements; receive, inspect and measure, when required, any and all lumber, bricks, stone or other material to be used in the construction of any public works; and inspect and examine daily, or as often as necessary, all public works in progress of construction.
- (6) Preserve all field notes, maps, plans, profiles, papers, books, writings and records made by him or her, or in his or her hand, and arrange and index the same.
- (7) Keep a complete and systematic record of all transactions within his or her department, and record, in a suitable book, all grades and bench marks established by **the City Manager** ~~Council~~. All such records shall be the exclusive property of the City.
- (8) Attend all meetings of Council and perform such other duties pertaining to the office as may, from time to time, arise or be imposed by **the City Manager** ~~Council~~.
- (9) Annually, or more frequently if requested, submit to **the City Manager** ~~Council~~ a complete report of all operations, including a general abstract of all public works or improvements undertaken or completed, during the preceding fiscal year, and of all such other matters and information as may be deemed of importance or be required by **the City Manager** ~~Council~~.
- (10) Effective on or before January 1, 1998, maintain a record of any payments or cash receipts, issue receipts for all payments or cash received and daily turn over all cash payments or cash received to the Finance Director or his or her designee.

(11) Serve as a staff liaison between the Airport Commission and the Mayor.”

Section 3. That Section 236.05(b) regarding the “Finance Director” and Section 236.05(d) regarding “Duties and Responsibilities” are hereby amended to read as follows (**bold** language to be added, ~~strikethrough~~ language to be deleted):

“(b) Finance Director. The Finance Director shall be subject to the provisions of Sections 288.04 et seq., which provide for appointments, terms of office, removals from office and vacancies in the offices of City officers. The Finance Director shall be appointed and may be removed from office, with or without cause, by the **City Manager** ~~Mayor, with the consent of Council~~. The Finance Director shall receive such compensation as is set forth in the salary schedule provided in Chapter 290 and shall be subject to all rules and regulations set forth in Chapter 290.

Commencing August 1, 2017 and thereafter, any person newly appointed to serve as the Finance Director shall reside within the corporate limits of the City within six (6) months of the date of his/her appointment.

(d) Duties and Responsibilities. Except as specifically provided by other ordinance provisions, the Department of Finance and Budget shall:

- (1) Exercise general supervision over the accounting system in all offices of the City charged with the receipt, collection or disbursement of revenues.
- (2) Perform all duties required of a municipal comptroller pursuant to 65 ILCS 5/3.1-35-100, 3.1-35-105, 3.1-35-110 and 3.1-35-115.
- (3) Perform all duties required of a municipal collector pursuant to 65 ILCS 5/3.1-35-125 and 3.1-35-130.
- (4) Establish standard accounting practices; keep controlling accounts with every City department and with all activities whatever that are owned or controlled by the City or in which the City has any pecuniary interest; prepare, as from time to time directed or required, forms of accounts, vouchers, reports, bills, orders, receipts, checks and other necessary forms to be used by the several City departments in the transaction of all public business involving City finances.
- (5) Keep in proper books a full and accurate account of all moneys received and disbursed on behalf of the City, specifying the time of receipt and disbursement, from whom received and to whom disbursed, on what account received and disbursed, and how paid.
- (6) Keep a true and correct account of all money belonging to the City, stating from whom and on what account such money was received.
- (7) Keep the account of each fund separate and distinct, charging such fund with all payments and crediting it with all receipts on account thereof.
- (8) Receive all moneys paid to the City; demand and receive all moneys and fees owing to the City whenever any person is indebted to the City in any manner; and

report to the City Legal ~~Counsel Department~~ for prosecution any claim deemed uncollectible by other methods.

(9) Ensure that officers receiving money pay the same into the City Treasury, when required, and that all necessary financial reports are made by officers, and report all delinquent payments or reports to the **City Manager Mayor and Council**.

(10) Examine and review accounts of all officers and departments, subject to approval by the **City Manager Mayor and Council**.

(11) Authorize payment from the Treasury of such sums of money as may be ordered by Council. The warrants therefor shall be signed by the **City Manager Mayor** and countersigned by the City Clerk and shall state for what purpose the money is appropriated and the fund from which it is payable.

(12) Cancel all warrants and other evidences of debt against the City, with the date of payment written or stamped thereon.

(13) Monthly, and more frequently if required, render an account to **the City Manager Council**, under oath, showing the state of, and the balance of money in, the Treasury; and state in such accounts all moneys received by the Treasury and on what account, and all warrants redeemed and paid.

(14) Transmit to the **City Manager Mayor**, at least monthly, statements of cash on hand and of classified unencumbered appropriation balances for the city as a whole and such other financial statements as the **City Manager Mayor** may from time to time require, and keep all departments, boards or commissions informed of their classified unencumbered appropriation balances.

(15) File with the **City Manager Mayor and Council** a full and detailed account of all receipts and expenditures, and of all the Director's transactions, during the preceding fiscal year, and show in such account the state of the Treasury at the close of the fiscal year. The annual report shall be filed on or before June 1 of each year, all as provided in 65 ILCS 5/3.1-35-60, as amended.

(16) Keep and administer all securities, bonds or other forms of negotiable instruments owned by or belonging to the City; keep a list of all outstanding bonds of the City, showing the number and registered owner of each; keep a record of bonds purchased, paid or canceled; and, in his or her annual report, the Director shall describe the bonds sold during the year, the terms of sale and the expense thereof.

(17) Deposit the proceeds of all sales of bonds with the City Treasurer immediately after such proceeds have been received, and, until such deposit, be responsible for the amount thereof.

(18) Serve as the Collector of Special Taxes and Assessments and exercise all the power vested in, and perform all the duties imposed upon, the Collector of Special Taxes and Assessments as provided in 65 ILCS 5/9-1-1 et seq., as amended.

(19) On or before April 1 of each year, submit to ~~the City Manager Council~~ the Director's estimates of the classified expenses of the City during the next fiscal year. for such purpose, he or she shall require of all officers statements of the expenses of their respective offices or departments, with any proposed improvements and probable expenses thereof, all contracts made and uncompleted, and the amount of all unexpended appropriations of the preceding year. He or she shall, in such report, show the aggregate income of the preceding fiscal year from all sources, the amount of liabilities outstanding upon which interest is to be paid and the bonds and debts payable during the next year. He or she shall give such other information as may be necessary for **the City Manager Council** to understand the financial exigencies and demands of the City.”

Section 4. That Section 240.04(a) regarding the “Appointment and Removal” of the Chief of Police and Section 240.04(b) regarding “Authority and Duties” are hereby amended to read as follows (**bold** language to be added, ~~strikethrough~~ language to be deleted):

“(a) Appointment and Removal. ~~The City Manager Mayor, with the advice and consent of Council,~~ shall select and appoint the Chief of Police. **The Chief of Police may be removed or discharged by the City Manager; provided, however, that the City Manager shall file with the corporate authorities the reasons therefor and such removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities.** Candidates qualified to serve as Chief of Police must meet the following criteria:

- (1) Have obtained and held the rank of Deputy Police Chief, Lieutenant, Sergeant or have five years of progressively responsible law enforcement supervisory experience within a department of comparable size to the Freeport Police Department.
- (2) Have served as a professional police officer for at least consecutive ten years.
- (3) Bachelor’s Degree in a related field or successful completion and certification from either the FBI National Academy, Southern Police Institute, or Northwestern University Staff and Command Training program, or able to successfully complete program within one year of appointment.
- (4) Commencing August 1, 2017 and thereafter, any person newly appointed to serve as the Chief of Police shall reside within the corporate limits of the City within six (6) months of the date of his/her appointment.**

(b) Authority and Duties. The Chief of Police, in addition to all other duties provided by law, shall:

- (1) Enforce this and all other ordinances of the City and all statutes of the State among all members of the Department, and shall give any necessary orders and take any needed action to insure such enforcement.

(2) Promptly report to the **City Manager** ~~Mayor~~ and the Board of Fire and Police Commissioners all violations of such ordinances and statutes by members of the Department.

(3) Render annually to the **City Manager** ~~Mayor~~ and the Board of Fire and Police Commissioners, confidential written efficiency reports on each member of the Department as to character, attitude, competency, ability, attention to duty, discipline and courtesy.

(4) Not be disrespectful or discourteous to the **City Manager, the Mayor** or to any member of Council or of the Board of Fire and Police Commissioners.

(5) Provide for and assign the duties of the members of the Department, consistent with lawful orders of the **City Manager** ~~Mayor and Council~~.

(6) Not publicly criticize, or release for publication any criticism of, the **City Manager, the Mayor**, a member of Council or a member of the Board of Fire and Police Commissioners.

(7) Make available to the **City Manager** ~~Mayor and Council~~ all files, official records and documents of the Department or relating to Department business, except where such release would jeopardize the safety or privacy of the Department, Department employees or members of the public.

(8) Receive and obey all lawful orders of the **City Manager** ~~Mayor or Council~~.

(9) Be the superior officer within, and direct the work of, the Department, be obeyed and accorded respect by all members and be responsible for the discipline of the members. When necessarily absent, the Chief shall leave with the Deputy Chief of Police information as to his or her whereabouts and return.

(10) Establish rules and regulations not inconsistent with this chapter, any other ordinances or resolutions of Council or any rules or regulations of the Board of Fire and Police Commissioners.

(11) Be responsible and account for all property, equipment and buildings provided for the Department and employ the same as the **City Manager** ~~Mayor~~ may lawfully direct, be responsible and account for all goods or other property received or reclaimed under Department authority, and make final disposition thereof as the **City Manager** ~~Mayor~~ may lawfully direct.

(12) Attend all Council meetings, serve all written notifications as ordered by the **City Manager** ~~Mayor~~ and perform all other duties as shall be prescribed by **the City Manager** ~~Council~~ or the Board of Fire and Police Commissioners.

(13) Report monthly, in writing, to **the City Manager** ~~Council~~ on the activities of the Department, which report shall set forth the number of arrests made, the nature of the offenses, the number of calls and parking violations and fines.

(14) When a vacancy exists in a rank other than Patrol Officer, appoint some qualified member of the Department as an acting member of that rank. Such appointed person shall serve only until the Board of Fire and Police

Commissioners shall have appointed a person from its valid promotion eligibility roster to fill that vacancy.”

Section 5. That Section 242.05(a) regarding the “Appointment and Removal” of the Fire Chief and Section 242.05(b) are hereby amended to read as follows (**bold** language to be added, ~~strikethrough~~ language to be deleted):

“(a) Appointment and Removal. ~~The City Manager Mayor, with the advice and consent of Council,~~ shall select and appoint the Fire Chief. **The Chief of the Fire Department may be removed or discharged by the City Manager; provided, however, that the City Manager shall file with the corporate authorities the reasons therefor and such removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities.** Candidates qualified to serve as Fire Chief must meet the following criteria:

- (1) Have obtained the rank of Battalion Chief, Captain, Lieutenant, or a similar rank within a department of comparable size and composition of the Freeport Fire Department, and held any such rank for a minimum total of three years.
- (2) Have served as a professional fire fighter for at least 10 consecutive years.
- (3) Have an Bachelor’s Degree in a related field and have obtained Fire Officer II certification or be able to successfully complete such education within one year of appointment.
- (4) Commencing August 1, 2017 and thereafter, any person newly appointed to serve as the Fire Chief shall reside within the corporate limits of the City within six (6) months of the date of his/her appointment.**

~~The Mayor, with the advice and consent of Council, may remove the Chief.~~ The person removed as Chief, unless discharged from the Department for cause, may elect to resume the position and rank in the Department which he or she held immediately prior to his or her appointment as Chief, by election, in writing, delivered to the Board of Fire and Police Commissioners within thirty days of such removal. Upon election, such restoration to such position and rank shall be automatic and not subject to the discretion of the Board or any other authority. However, such individual shall be subject to discharge from the Department for cause, by established procedures, if such cause existed at the time of his or her removal as Chief. Upon such assumption of former position and rank, the number of positions within such rank shall be automatically increased by one if such increase is necessary to assure that no other member of the Department, of an equal or lower rank, shall be required to surrender position or rank. If such an increase takes place, thereafter the number of positions within such rank shall be decreased by one by attrition. This section shall be subject to the provisions of 65 ILCS 5/10-2.1-4, which section is incorporated herein by reference.”

(b) Authority and Duties. The Chief, in addition to all other duties required of him or her by law, shall:

- (1) Enforce this chapter and all other ordinances of the City and all statutes of the State among all members of the Department, and shall give any necessary orders, and take any needed action, to ensure such enforcement.
- (2) Promptly report to the **City Manager** ~~Mayor~~ and the Board all violations of statute or ordinance by members of the Department.
- (3) Render at least annually to the **City Manager** ~~Mayor~~ and the Board confidential written efficiency reports on each member of the Department as to character, attitude, competency, ability, attention to duty, discipline and courtesy.
- (4) Not be disrespectful or discourteous to the **City Manager**, ~~the~~ Mayor or to any member of Council or of the Board.
- (5) Assign duties to each member of the Department, consistent with lawful orders of the **City Manager** ~~Mayor and Council~~.
- (6) Not publicly criticize, or release for publication any criticism of, the **City Manager**, ~~the~~ Mayor, members of Council or members of the Board.
- (7) Make available to the **City Manager** ~~Mayor and Council~~ all files, official records and documents of the Department or relating to Department business, except where such release would jeopardize the safety or privacy of the Department, Department employees or members of the public.
- (8) Receive and obey all lawful orders of the **City Manager** ~~Mayor or Council~~.
- (9) Be the superior officer within, and direct the work of, the Department, be obeyed and respected accordingly by all members and be responsible for the discipline of the members. When necessarily absent, the Chief shall leave with the Battalion Chief information as to his or her whereabouts and return.
- (10) Establish rules and regulations not inconsistent with this chapter, any other ordinances or resolutions of Council or any rules or regulations of the **City Manager** or Board.
- (11) Be responsible and account, for all property, equipment and buildings provided for the Department and employ the same as the **City Manager** ~~Mayor~~ may direct, and be responsible and account for all goods or other property received and reclaimed under Department authority and make final disposition thereof as the **City Manager** ~~Mayor~~ may direct.
- (12) Attend all Council meetings; serve all written notifications as ordered by the **City Manager** ~~Mayor~~ and perform all such other duties as shall be prescribed by **City Manager** ~~Council~~ or the Board.
- (13) Remove or destroy any property whenever it shall become necessary for the preservation of property from fire, to prevent the spreading of fire or to protect adjoining property.

(14) Have full authority, whenever the safety of persons or of property is endangered by fire or other casualty, to disconnect, temporarily, electric wires, gas pipes and water pipes or connections.

(15) When a vacancy exists in a rank other than firefighter, appoint some qualified member of the Department as an acting member of that rank. That appointed person shall serve only until the Board shall have appointed a person from its valid promotion eligibility roster to fill that vacancy.”

Section 6. That Section 250.03(a) regarding “Establishment and Incidents of Office” of the Community Development Director and Section 250.03(b) regarding “Duties” are hereby amended to read as follows (**bold** language to be added, ~~struckthrough~~ language to be deleted):

“(a) Establishment and Incidents of Office. There is hereby established the office of Community Development Director. The Director shall be subject to the provisions of Sections [288.04](#) et seq., which provide for appointment, term of office, removal from office and vacancy in office.

The Community Development Director shall be appointed, and may be removed from office with or without cause, by the **City Manager** ~~Mayor with the consent of Council~~. The Director shall receive such compensation as is set forth in the Salary Schedule provided in [Chapter 290](#), and the Director shall be subject to all rules and regulations set forth in [Chapter 290](#).

Commencing August 1, 2017 and thereafter, any person newly appointed to serve as the Community Development Director shall reside within the corporate limits of the City within six (6) months of the date of his/her appointment.

(b) Duties. The Community Development Director shall:

(1) Develop, analyze, recommend, implement and administer the City's transportation programs.

(2) Develop, analyze, recommend and implement programs to encourage home ownership among low and moderate income groups; encourage the building of new housing for low and moderate income groups; encourage new housing for the handicapped and for senior citizens; encourage the rehabilitation of housing; encourage the formation of community-based organizations that will strengthen neighborhoods; monitor the safety and adequacy of housing through code enforcement; and encourage lending and public and private investment within local neighborhoods.

(3) Supervise all matters relating to building and housing administration and to the enforcement of building standards, including the authority to institute necessary litigation proceedings;

(4) Serve as Zoning Administrator, in charge of administration and enforcement of the Zoning Code and representing the City at proceedings of the Planning Commission and the Board of Zoning Appeals.

(5) Administer development incentive programs, including the City Enterprise Zone and Tax Increment Financing District.

(6) Perform other duties as may be described in the Director's job description, which description shall be **drafted and finalized by the City Manager** ~~proposed by the Mayor and approved by majority vote of Council.~~

Section 7. That Section 252.02(a) regarding “Establishment of Office” of the Human Resources Director is hereby amended to read as follows (**bold** language to be added, ~~strike through~~ language to be deleted):

“(a) Establishment of Office. There is hereby established the office of Human Resources Director. The Director shall be subject to the provisions of Sections [288.04](#) et seq., which provide for the appointment, terms of office, removal from office and vacancy in office of City officers.

The Director shall be appointed and may be removed from office, with or without cause, by the **City Manager** ~~Mayor, with the consent of Council.~~ The Director shall receive such compensation as is set forth in the salary schedule provided in [Chapter 290](#), and the Director shall be subject to all rules and regulations set forth in [Chapter 290](#).

Commencing August 1, 2017 and thereafter, any person newly appointed to serve as the Human Resources Director shall reside within the corporate limits of the City within six (6) months of the date of his/her appointment.

(b) Duties. Except as specifically provided by other ordinance provisions, the Human Resources Director shall:

(1) Exercise primary responsibility for the administration and management of the City's personnel program by formulating, developing, recommending and maintaining the City's personnel policies and procedures for all City departments, including the Police, Fire, Water and Sewer, Public Works and Community Development Departments, the Library and general administrative personnel.

(2) Foster and develop programs for the improvement of employee effectiveness, including, but not limited to, position classification, recruitment, selection, promotion, performance ratings, training, compensation and benefit programs, new employee orientation, employee records retention, safety and wellness programs, employee motivation and morale and labor relations.

(3) Assist the Board of Fire and Police Commissioners in carrying out its responsibilities and exercising its authority with regard to hiring, promoting and disciplining pertinent employees of the Police and Fire Departments;

(4) Ascertain compliance with the City's personnel policies and procedures and with applicable Federal, State and local laws, ordinances, rules and administrative guidelines;

(5) Encourage and exercise leadership in the development of effective personnel administration within the several departments of government service;

(6) Apply and carry out this chapter and the rules hereunder, and perform any other lawful acts which may be assigned by the **City Manager** ~~Mayor~~ and which may be necessary or desirable to carry out the purposes and provisions of this chapter.”

Section 8. All persons appointed to one of the above-referenced City department head positions prior to August 1, 2017, shall not be subject to the residency requirement set forth in this Ordinance during the period that they serve as such department head.

Section 9. This Ordinance shall be effective upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 10. This ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 11. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 12. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY A ROLL CALL VOTE OF THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS this ____ day of _____, 2017.

Dovie L. Anderson, City Clerk

YEAS:

NAYS:

ABSTAIN:

PRESENT:

APPROVED by the Mayor of the City of Freeport this ____ day of _____, 2017.

Jodi Miller, Mayor

Date Published:

Date Effective:

Approved as to form:

City Legal Counsel