

City Administrator

CITY OF LEROY
COUNTY OF MC LEAN
STATE OF ILLINOIS

ORDINANCE NO. 831

AN ORDINANCE CREATING THE POSITION OF CITY ADMINISTRATOR AND PROVIDING THE POWERS AND DUTIES THEREOF, AND BEING AN ORDINANCE AMENDING CHAPTER 3, CITY ADMINISTRATION, OF THE MUNICIPAL CODE OF LEROY, ILLINOIS, 1975 (AS AMENDED), BY ADDITION OF NEW SECTION 3.15

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 1st
DAY OF February, 1999.

PRESENTED: February 1, 1999

PASSED: February 1, 1999

APPROVED: February 1, 1999

RECORDED: February 1, 1999

PUBLISHED: February 1, 1999

In Pamphlet Form

Voting "Aye" 4

Voting "Nay" 1

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

[Signature]

City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: February 1, 1999.

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WHEREAS, the City of LeRoy is in a period of growth and change; and

WHEREAS, the problems attendant to such growth are such that the services of a full time individual trained and experienced in municipal government management are deemed to be appropriate and necessary for the efficient and effective operation of the City; and

WHEREAS, the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, has determined through its Mayor and City Council that it is in the best interests of the City and of its residents to create the position of City Administrator, and then to seek applicants to fill said position,

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of LeRoy, Illinois, in lawful meeting assembled, as follows:

Section 1. New Section 3.15 of Chapter 3, City Administration, of the Municipal Code of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follows:

(a). **Creation of Position.** There is hereby created the position of City Administrator ("Administrator"), an administrative position in the municipal government of the City of LeRoy. Said position shall not be deemed an office nor shall the holder of such position from time to time be deemed a city officer.

(b). **Appointment of City Administrator.**

(1). The Administrator shall be appointed by the Mayor, but only with the advice and majority approval of the aldermen then holding office. The aldermen then holding office shall evaluate the candidate upon the basis of executive and administrative qualifications with reference to actual experience in or knowledge of accepted practice in respect to the duties of the position as hereinafter set forth, and such requirements and qualifications are hereby declared to be of a nature as to require specialized training and knowledge. The appointment shall be made without regard to political considerations, race, religion, age, or sex. At the time of appointment, the individual need not be a resident of the City or of the State of Illinois, but the Administrator shall assume residence within the City within one hundred twenty (120) days after his or her appointment and shall thereafter reside within the City so long as the Administrator shall continue to serve the City in that capacity. Neither the Mayor nor any alderman shall receive such appointment during the term for which such individual shall have been elected, nor within one (1) year after the expiration of that term.

(2). Appointment shall include City Council approval of a written Contract of Appointment, including a stated term of employment and a specified amount of compensation, together with a delineation of duties and responsibilities.

(3). During the absence or disability of the Administrator, the Mayor, with the advice of the City Council, may designate some properly qualified person to act as a temporary Administrator to perform the duties of the position.

(c). **Tenure of Position.** The term of the position of Administrator shall not be shorter than one (1) year nor longer than the remainder of the term of office of the Mayor who made the appointment and shall be established by the contract of appointment. The Administrator may resign from the position upon ninety (90) days written notice (said 90 days to begin the date the notice is filed with the City Clerk) or may be removed therefrom by the Mayor by and with the consent of a two-thirds majority of the aldermen then holding office and in accordance with the provisions of any contract of appointment. All appointments shall be based solely upon merit and fitness for the position, without regard to race, sex, religious convictions, or political belief or affiliation. Upon the Administrator's giving said ninety (90) days written notice, the City Council may terminate the position of Administrator or may terminate the employment of the then Administrator without cause (so long as all applicable provisions of any contract of employment (contract of appointment) are complied with).

(d). **Bond and Oath.** Before entering upon the duties of the position, the Administrator shall furnish a surety bond, to be conditioned on the faithful performance of the duties of the position, in the amount of Three Thousand Dollars (\$3,000.00) to be approved by the City Council. The premium of the bond shall be paid by the City.

(e). **Compensation.** The Administrator shall receive compensation in such amount and manner as the City Council shall periodically fix by ordinance or resolution, and in accordance with any contract of employment (contract of appointment) with the Administrator. The City Administrator shall be subject to the vacation schedule as authorized by the Mayor and City Council, but not less than the provisions in existence in any contract of employment with the Administrator. Further, the City Administrator shall be subject to the same sickness and disability provisions as other City employees, other than to the extent the same are modified by a contract of employment with the Administrator. The Administrator shall be paid for the use of his or her own private vehicle when used for City business at the per mile rate established by the City Council for compensated travel by the Administrator. In connection with being compensated for the use of a private vehicle, the Administrator shall keep accurate records of such use which shall be subject to approval by the City Council prior to payment, or the City may provide a vehicle to be used by the Administrator for City business.

(f). **Authority of the City Administrator.** The corporate authorities then holding office may override any decision of the Administrator.

(g). **Powers and Duties With Regard to Fiscal Matters.**

(1). The Administrator shall prepare an annual budget and an annual long-range capital improvement program for the City in connection with the Finance Committee for presentation to the City Council. He or she shall prepare and submit to the Mayor and City Council, at monthly intervals, reports which will advise the City Council of the financial condition and future needs of the City, and in so doing the Administrator may make such other recommendations as he or she may deem appropriate. The Administrator shall assemble and make available such other information concerning the fiscal matters of the City as the Mayor or City Council shall periodically request.

(2). On or before the 15th day of March in each calendar year and before the annual appropriation ordinance is prepared by the corporate authorities, the Administrator shall submit to the corporate authorities an estimate of the money necessary to defray the City's expenses during the current fiscal year; this estimate shall classify in detail the purposes of the expenditures and shall further provide necessary information as to the income of the City from all sources during the preceding fiscal year and any liabilities, contingent or non-contingent,

together with such other information as may be required to assist the Mayor and City Council in the preparation and adoption of the annual appropriation ordinance. For the purpose of preparing the above estimate, the Administrator shall work with the committees of the City Council and the other appointive and elected officers of the City to obtain statements of the conditions and expenses of the respective offices and departments, together with a description of necessary City repairs and improvements, and the probable expense thereof. The Administrator shall further work with all City officials in helping to prepare information as may be necessary to enable the preparation of the annual tax levy ordinance. The Administrator, at the request of the City Council shall also be responsible for the preparation of the annual appropriation ordinance and/or the annual tax levy ordinance.

(3). The Administrator shall supervise the issuance and sale of all bonds and obligations, after approval of any bond issue by the City Council.

(4). The Administrator shall act as purchasing agent for the City within the limitations and under conditions as periodically established by the City Council and shall make, in the ordinary course of business, all purchases of materials and supplies necessary for the City as provided in the annual appropriation ordinance; provided, however, that for purchases of more than Five Thousand Dollars (\$5,000.00), the Administrator shall first procure the City Council's approval before making such purchases, and in all cases the Administrator shall comply with all applicable statutory and municipal ordinance provisions regulating the solicitation and award of bids.

(5). The Administrator shall see that all terms and conditions imposed in favor of the City or its residents in any contract or public utility franchise are faithfully kept and performed.

(6). Whenever, in the Administrator's judgment, an exigency shall require the purchasing of any materials or supplies for a price exceeding Five Thousand Dollars (\$5,000.00), but less than Seven Thousand Dollars (\$7,000.00), before the next regular City Council meeting, the Administrator, with the written approval of the Mayor, may make such purchase without waiting for formal City Council approval of the specific purchase as a whole; however, such purchase shall not violate any relevant legal requirement as to solicitation or awarding of bids.

(7). The Administrator shall recommend to the City Council in conjunction with the Finance Committee a job description and a standard schedule of pay for each appointive office and each employment category, in keeping with any applicable laws pertaining to said office or employment category.

(g). **Powers and Duties with Reference to City Administration.**

(1). The Administrator shall have the responsibility of carrying out the City Council's policies and to assist in the enforcement of the laws and ordinances of the City; the Administrator shall be responsible for hiring, disciplining (unless otherwise designated), and terminating employment of, all City employees, except those employees who are department heads or who shall be otherwise designated as not being subject to such authority (for hiring, disciplining or termination) of the Administrator; the Administrator shall keep the Mayor and ~~City Council apprised of all personnel matters.~~ The Administrator shall assign and carry out all other duties specifically delegated and assigned to this position by the City Council through ordinance or resolution. It is not the intention of this Ordinance that the Administrator's duties

and responsibilities be in any way in derogation of the common law, Illinois statutes, or the contractual duties and responsibilities of the City under any existing contract.

(2). If requested by the Mayor or City Council, the Administrator shall recommend the appointment of such officers as may be required by statute or ordinance to be appointed by the Mayor with the advice and consent of the City Council; likewise, if requested by the Mayor or the City Council, the Administrator shall recommend to the Mayor and City Council the employment of department heads or other employees. If requested, the Administrator shall make recommendations for or against (as may be in the City's best interest) the removal or suspension of any appointed officer or employee when such removal or suspension is appropriate to be considered

(3). The Administrator shall attend all meetings of the City Council, both regular and special, together with any other work sessions of the City Council, and when requested shall attend any meeting of any committee or commission of the City Council or of the City, unless excused therefrom by the Mayor and City Council, or committee, except when removal of the Administrator is under consideration by the City Council. The Administrator shall prepare the agenda for the City Council meetings and committee meetings, whether regular or special, and any other regular or special reports as are necessary for the efficient operation of the City government. Agendas shall be prepared and distributed to all interested parties in advance of said meetings, according to the Open Meetings Act. The Administrator shall conduct and prepare necessary studies and/or research to assist the City Council in making policy decisions. The Administrator shall have the privilege of taking part in the discussion of all matters coming before the City Council or any committee or commission thereof, in any open meeting or open session of any meeting, and shall be given notice of all meetings, regular and special, of the full City Council, or of any committee or commission thereof. The Administrator shall have no vote in any City Council meeting or committee meeting, but shall make recommendations to the Mayor, City Council, or any committee or commission thereof, or to any elected or appointed officer, as the Administrator deems in the City's best interest.

(4). The Administrator shall conduct investigations into the affairs of the City or any department thereof as may be required by complaints made regarding City services and City administration.

(5). The Administrator shall enforce or oversee enforcement of the City's ordinances and promulgate administrative rules and regulations as long as they are not in conflict with other local or state law.

(6). The Administrator shall periodically recommend to the City Council the adoption of such measures as the Administrator may deem necessary or expedient for the health, welfare, and safety of the citizenry or the future improvement of administrative services.

(7). The Administrator shall have no employment other than the fulfillment of the obligations of the position of Administrator. The Administrator shall not be prohibited from occasional teaching, writing, consulting, speaking, or self-employed activities not in conflict with the City's interests.

(8). The Administrator shall assume and carry out all other duties as specifically delegated or assigned to him or her by the City Council.

(h). **Powers and Duties With Reference to Economic Development.**

(1). The Administrator shall prepare, maintain, and revise, on a continuing basis, a plan for action for the maintenance of existing commercial and industrial businesses in and near

the City when the retention of same is in the best interests of the City. Further, the Administrator shall formulate and revise plans of action for the attraction of additional commercial and industrial businesses to the City and nearby areas.

(2). As a part of the ongoing plan of action, the Administrator shall maintain an existing database for the LeRoy area, including economic factors, utility availability, job mix, and other factors, develop and maintain contacts with the Department of Commerce and Community Affairs of the State of Illinois and other county, state and federal agencies that may be of direct or indirect benefit to the City in attracting industrial and commercial prospects, and shall maintain an ongoing target prospect list and personally undertake contacts and inquiries with and pertaining to such prospects.

(3). The Administrator shall coordinate public relations and public relations efforts with local, regional, and national media, together with such other and additional activities as may be reasonably required by the Mayor and City Council to fulfill the general goals and objectives of the maintenance of existing residential, commercial and industrial areas, commerce and industry and the potential expansion thereof.

(4). The Administrator shall serve as City representative to the LeRoy Promotion Association/Chamber of Commerce, LeRoy Pride Commission, and the South Central Illinois Regional Planning and Development Commission, and such other commissions, organizations and projects as the City shall periodically determine to support or with which the City may be involved.

Section 2. Separability. The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by

Ron Litherland

seconded

by

Dawn Thompson

_____, by roll call vote on the 1st day of February, 1999,
as follows:

Aldermen elected 6

Aldermen present 5

VOTING AYE:

Dawn Thompson, Dave McClelland, W. H. Weber, Ron Litherland

(full names)

VOTING NAY:

Ryan Miles

(full names)

ABSENT:

Dick Oliver

(full names)

ABSTAIN:

none

(full names)

OTHER:

none

(full names)

and deposited and filed in the office of the acting City Clerk in said municipality on the 1st
day of February, 1999.

X 

Sue Marcum, City Clerk of the City of LeRoy,
McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 1st day of

February, 1999.

X Robert Rice
Robert Rice, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

X Sue Marcum
Sue Marcum, City Clerk, City of LeRoy,
McLean County, Illinois

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on February 1st, 1999, the Corporate Authorities of such municipality passed and approved Ordinance No. 831, entitled:

AN ORDINANCE CREATING THE POSITION OF CITY ADMINISTRATOR AND PROVIDING THE POWERS AND DUTIES THEREOF, AND BEING AN ORDINANCE AMENDING CHAPTER 3, CITY ADMINISTRATION, OF THE MUNICIPAL CODE OF LEROY, ILLINOIS, 1975 (AS AMENDED), BY ADDITION OF NEW SECTION 3.15,

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 831, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on February 1st, 1999, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 1st day of February, 1999.

(SEAL)



Sue Marcum, Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such acting City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE CREATING THE POSITION OF CITY ADMINISTRATOR AND PROVIDING THE POWERS AND DUTIES THEREOF, AND BEING AN ORDINANCE AMENDING CHAPTER 3, CITY ADMINISTRATION, OF THE MUNICIPAL CODE OF LEROY, ILLINOIS, 1975 (AS AMENDED), BY ADDITION OF NEW SECTION 3.15.

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 1st day of February, 1999, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 1st day of February, 1999.

X 

City Clerk

(SEAL)