

TO: Mayor and City Council (GS)

FROM: Gary Holm

DATE: July 5, 2022

RE: ORD 22-15 Amending the Municipal Code Related to Employee Appointments

At the November 30, 2021 Committee of the Whole meeting Staff presented a recommendation to revise the City's Municipal Code related to the appointment of certain city employees. It was stated during that meeting that over the course of many years the City's practice of appointing employees has evolved to be inconsistent with what is actually specified in the City's Code and what is required by state law.

Staff is recommending Ordinance 22-15 to revise and update various sections of the Municipal Code to be consistent with current City practices and state law. Below are redline revisions. Exhibit I to Ordinance 22-15 includes final, clean versions of the updated Code sections.

**TITLE 1, CHAPTER 6**  
**MUNICIPAL OFFICERS AND PERSONNEL POLICIES**  
**REVISIONS TO SECTIONS 2, 3 AND 11 ONLY**

**1-6-2: APPOINTMENTS:**

A. The mayor shall make appointments to fill all appointive offices required by statute and appointive positions required by the City Code, such appointments to be made by and with the advice and consent of the city council.

B. The mayor shall make appointments to fill the following appointive employee positions:

1. City Administrator
2. Finance Director and Budget Officer
3. Police Chief
4. Fire Chief
5. Public Works Director
6. Information Systems Director
7. Human Resources Director
8. Community Development and Economic Development Director

Such appointments to be made by and with the advice and consent of the city council

**1-6-3: TERM OF OFFICE; TERM OF EMPLOYMENT; VACANCIES AND REMOVALS; ~~RESIDENCY~~**  
**REQUIREMENTS:**

A. Every appointive officer or employee of the city shall hold office or employment for a term of one year or until his successor is appointed and qualified unless it is otherwise provided by ordinance or contract. In case of a vacancy in any such office, the mayor, with the advice and

~~consent of the City Council, the person making the original appointment~~ shall appoint a new officer or employee.

- B. Any appointed officer or employee may be removed from office or employment by the mayor, with the advice and consent of the City Council~~person appointing him or her, provided that a statement of such removal, with the reasons therefor, shall be given to the city council at the next meeting following the removal.~~
- C. Every officer or other appointee of the city, upon the termination of the appointment~~his office~~, for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the city; and if no successor has been appointed within one week after the termination of office such property shall be delivered ~~either to the clerk or to the treasurer.~~
- ~~D. The following residency requirements shall be a condition of employment and/or appointment for the offices and positions delineated below:~~
- ~~—1. Residency within the corporate limits shall be required by the following officers and employees, within six (6) months of employment by the city, unless otherwise agreed by the city council:~~
- ~~—a. City administrator.~~
- ~~—b. City police chief.~~
- ~~—c. City fire chief. (Ord. 08-48, 12-15-2008)~~
- ~~—2. Residency within a twelve (12) mile radius of the corporate limits shall be required as an employment condition of the public works director, water and sewer, streets, wastewater and electric superintendents and all nonclerical personnel of the public works department within six (6) months of employment by the city.~~
- ~~—3. There shall be no other residency requirements for city employees except those whose terms and conditions of employment are covered by collective bargaining agreements, who shall be bound by the terms of those agreements. (Ord. 02-09, 3-18-2002)~~

#### **1-6-11: RESIDENCY:**

- A. Residency requirements for city employees shall be as specified in the order of priority within individual employment contracts, the applicable collective bargaining agreements for employees bound by such agreements, or the Employee Personnel Policy Manual for employees not subject to an employment contract or collective bargaining agreement.

### **TITLE 1, CHAPTER 7** **MUNICIPAL OFFICERS**

#### **1-7-1: CITY ADMINISTRATOR:**

- ~~—A. Office Created: There is created the office of city administrator who shall be appointed each year by the mayor with the consent and approval of the city council. The city administrator may at any time be removed from office by the mayor with the consent of the city council. An annual job performance evaluation of the city administrator shall be conducted by the mayor with the input of the city council.~~

- ~~B. General Duties: The city administrator, under the direction and supervision of the mayor, shall be responsible for the efficient and productive administration of all city departments and his duties shall include, but shall not be limited to, the following:~~
- ~~1. The enforcement and administration of all laws, ordinances and city policies within the city.~~
  - ~~2. The making of recommendations concerning the appointments of all city department heads and assisting the mayor in providing annual job performance evaluations of all appointed city department heads.~~
  - ~~3. The maintenance of day to day management of all city departments and divisions thereof created by the city council. (Ord. 83-52, 12-5-1983)~~
  - ~~4. Supervision of the city budget officer with respect to the preparation and institution of the annual municipal budget, including the presentation of a balanced budget to the administrative services committee of the city council prior to its first regularly scheduled meeting in October of each year. (Ord. 89-6, 2-6-1989)~~
  - ~~5. The supervision and review of the operations of the city finance officer on a regular basis, the periodic review of the city's financial status, and the report of said findings to the mayor and city council on a regular basis.~~
  - ~~6. The production of required studies and recommendations for improvement or change of existing or proposed city services or policies.~~
  - ~~7. The attendance at all meetings of the city council, unless excused by the mayor, and the right to take part in the discussions at said meetings but with no right to vote.~~
  - ~~8. The representation of the city at any community or intergovernmental functions as may be directed by the mayor.~~
  - ~~9. The ultimate responsibility for handling and following up inquiries and/or requests for public services from elected and/or appointed officials of the city as well as from the public at large.~~
  - ~~10. The supervision of the interdepartmental coordination of all city departments including, but not limited to, the coordination of the planning, review and development of all projects involving annexation, community development, growth, restoration or general development in the community as said items relate to city government. (Ord. 83-52, 12-5-1983)~~

#### **1-7-2: CITY CLERK:**

#### **1-7-3: CITY TREASURER:**

#### **1-7-4: CITY CONTROLLER:**

- ~~A. n Creation; Bond: There is created the office of city controller who shall be appointed each year by the mayor, with the consent and approval of the city council. He shall, before entering upon~~

~~the duties of his office, give bond to the city in such amount and form as the city council shall approve, conditioned for the faithful discharge of his duties. (1972 Code § 31.150)~~

~~B.—General Duties: The city controller, and his deputy or deputies, shall perform the duties prescribed by statute for such officer and such other duties as are or may be required of him by any ordinance of the city. His duties as controller will include the following:~~

- ~~—1. Maintain accounts payable records of all invoices and charges to the city after proper approval as to price, quantity and extension.~~
- ~~—2. Collect all city revenue and maintain cash receipts and disbursement records of all city funds, including special assessment funds.~~
- ~~—3. Maintain personnel records and prepare for payment all approved departmental payrolls.~~
- ~~—4. Maintain records and prepare all tax reports for payment as required by law.~~
- ~~—5. Maintain, calculate and prepare billings of all utilities and services as set forth by state statutes and/or city ordinances.~~
- ~~—6. Prepare and maintain special assessment rolls and assume responsibility for collection of all such funds.~~
- ~~—7. Assume responsibility for insurance program as to coverage, premiums and maintain record of policies.~~
- ~~—8. Maintain records and assist in real estate transactions and preparation of lease and rental agreements.~~
- ~~—9. Prepare internal auditing reports in accordance with accounting procedure of the auditing firm and assist in the preparation of material for the annual audit.~~
- ~~—10. Prepare and maintain all accounting records by funds as prescribed in state statute, city ordinance and approved auditors' accounting procedure for the purpose of preparing budget reports and appropriation and tax levy ordinances. (1972 Code § 31.155)~~
- ~~—11. Record and transmit to the city treasurer or his designee for deposit, all monies received from all departments or other sources of city revenue and funds. (1972 Code § 31.155; amd. 1986 Code)~~
- ~~—12. Cause to be prepared each year the annual appropriation ordinance, the proper publication thereof, and the tax levy ordinance, in time for their enactment and filing as required by law.~~
- ~~—13. Cause to be kept accounts showing at all times the financial condition of the City, including the current and anticipated revenues and expenditures of all Municipal funds and accounts.~~
- ~~—14. Assume responsibility for all purchasing and determination of efficient purchasing methods and procedures. (1972 Code § 31.155)~~

~~C.—Other Powers and Duties: The City Controller shall:~~

- ~~1. Exercise a general supervision over all the officers of the City charged in any manner with the receipt, collection or disbursement of City revenues, and the collection and return of all such revenues into the treasury. All of such officers shall be specifically responsible for the audit and approval of all expenditures and disbursements. (1972 Code § 31.160)~~
- ~~2. Have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind, the custody and control of which is not given to any other officer. (1972 Code § 31.165)~~
- ~~3. Keep in his office, in a book expressly kept for that purpose, a correct list of all outstanding bonds of the City, showing the number and amount of each and for and to whom the bonds are issued. When any City bonds are purchased, paid or canceled, such book shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof. He shall also keep a record of all bonds issued by the City including the registration thereof when requested. It shall be the duty of the City Controller to attest all bonds of the City. (1972 Code § 31.170)~~

#### **1-7-5: CITY COLLECTOR:**

- ~~A. Office Created: There is created the office of City Collector, who shall be appointed by the Mayor and with the advice and consent of the City Council. (1972 Code § 31.650)~~
- ~~B. General Duties: It shall be the duty of the City Collector to make collection of all accounts due the City and to keep regular books and records of his affairs and doings as City Collector. It shall further be the duty of the City Collector to file with the City Clerk, during the first and tenth days of April of each year, a statement of his affairs and doings as City Collector as provided for by statute.~~
- ~~C. Compensation: The City Collector shall receive as compensation for his duties an annual amount from time to time prescribed by the City Council. (1972 Code § 31.660)~~

#### **1-7-16: CITY ATTORNEY:**

- A. Office Created: There is created the office of City Attorney who shall be appointed by the Mayor and with the advice and consent of the City Council. (1972 Code § 31.200)
- B. Powers And Duties:
  - 1. Functions: The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the City may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the City on behalf of the City, or in the capacity of such person as an officer of the City. (1972 Code § 31.205)
  - 2. Protection Of City's Interests: It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the City, and of all similar interlocutory order. (1972 Code § 31.210)
  - 3. Legal Advisor: The Attorney shall be the legal advisor of the City, shall attend all the meetings of the City Council, and shall render advice on all legal questions affecting the City, whenever requested to do so by any City official. Upon request by the Mayor or by the Council, he shall reduce any such opinion to writing. (1972 Code § 31.215)
  - 4. Draft Legal Instruments: It shall be the duty of the Attorney to draft or supervise the phraseology of any contract, lease or other documents or instruments to which the City may

be a party; and upon request of the Council, to draft ordinances covering any subjects within the power of the City. (1972 Code § 31.220)

- C. Compensation: The Attorney shall receive as compensation for his duties, an amount determined by annual written agreement determined by the City Council. (Ord. 93-68, 12-20-1993, eff. 1-1-1994)

~~**1-7-7: BUILDING OFFICIALS:**~~

~~**1-7-7-1: BUILDING INSPECTOR:**~~

- ~~—A.— Office Created: There is created the position of Building Inspector, an executive office of the City, who shall be appointed by the Mayor, by and with the advice and consent of the City Council. (1972 Code § 31.300)~~
- ~~—B.— Powers And Duties:~~
- ~~—1.— General Duties: It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to buildings or zoning. He shall inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the City ordinances.~~
- ~~—2.— Stop Orders: The Building Inspector shall have the power to order all work stopped on construction or alteration or repair of buildings in the City when such work is being done in violation of any provision of any ordinance relating thereto, or in violation of the zoning ordinance. Work shall not be resumed after the issuance of such an order except on the written permission of the Inspector or by order of the Mayor; provided that if the stop order is an oral one it shall be followed by a written stop order within two (2) hours. Such written stop orders may be served by any police officer.~~
- ~~Any person who shall continue at work in violation of a stop order shall be fined not more than five hundred dollars (\$500.00) for each day on which work is done in violation of such order.~~
- ~~—3.— Entry Powers: The Inspector shall have the power to make or cause to be made entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on for the purpose of making inspections at any reasonable hour. A search warrant shall be required to enter any premises where consent of the property owner or person lawfully in control has not been obtained.~~
- ~~—C.— Engaging In Business Prohibited: The Building Inspector shall not, so long as he holds this position, engage in the business of erecting, repairing or altering or moving any buildings or structures in the City, or in any other business in which his activities would be subject to supervision or inspection by the Building Inspector of this City.~~

~~**1-7-7-2: ELECTRICAL INSPECTOR:**~~

- ~~—A.— Office Created: There is created the position of Electrical Inspector, an executive position of the City, who shall be appointed by the Mayor by and with the advice and consent of the City Council. (1972 Code § 31.400)~~
- ~~—B.— Other Business Prohibited: It shall be unlawful for the Electrical Inspector, except in the performance of his duties hereunder, to engage in the business of the installation, alteration, maintenance or sale of electric wiring, electric devices or electrical material, either directly or~~

indirectly, and he shall have no financial interest in any concern engaged in such business in the City.

- ~~—C. Powers: The Electrical Inspector shall have the right, during reasonable hours, to enter any building in the discharge of his official duties, or for the purpose of making an inspection or test of the electrical equipment therein, and he shall have the authority and be charged with the duty to enforce all the ordinance provisions relating to electrical wiring and equipment. He shall have the power to cause the current in any wire or conduit to be turned off whenever this is necessary in an emergency for the protection of life or property.~~
- ~~—D. Inspections: The Electrical Inspector shall make all inspections necessary to see to the enforcement of the City ordinances; and no electric wiring shall be covered until it has been inspected.~~
- ~~—E. Certification: The Electrical Inspector shall give a certificate of approval to the owner or person in charge of premises which he has inspected where he finds that the electric apparatus and wiring therein fully comply with the ordinances of the City.~~

### **1-7-7-3: PLUMBING INSPECTOR:**

- ~~—A. Office Created: There is created the position of Plumbing Inspector, an executive position of the City, who shall be selected by the Mayor by and with the advice and consent of the City Council. (1972 Code §§ 31.430, 31.455)~~
- ~~—B. Powers And Duties:
 
  - ~~—1. It shall be the duty of the Plumbing Inspector, and he is empowered, to enforce all City ordinances relating to the installation, care and standards of plumbing. He shall make all necessary inspections and tests which may be needed in the performance of his duties.~~
  - ~~—2. Whenever the Plumbing Inspector shall find plumbing work being done in violation of the City ordinances, he shall have the power to order the work stopped until the ordinances are complied with. It shall be unlawful to continue any such work after such a stop order has been issued, except upon the written permission of the Mayor or of the Plumbing Inspector; provided that where such stop order is made orally it shall be followed by a written stop order within two (2) hours. Such written stop order may be served by any police officer.~~

~~Any person violating the provisions of this paragraph shall be fined not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~
  - ~~—3. The Plumbing Inspector shall have the power to enter any building or premises on or in which plumbing fixtures or pipes are being installed, altered or repaired, at all reasonable hours, to make inspections to insure the enforcement of the City ordinances relating to plumbing.~~~~
- ~~—C. Engaging In Business Prohibited: The Plumbing Inspector shall not, so long as he holds this position, directly or indirectly engage in the plumbing business in the City.~~

### **1-7-8: HEALTH OFFICER:**

- ~~—A.—Office Created: There is created the office of Health Officer who shall be appointed by the Mayor and who shall have the powers of a police officer and conservator of the peace . He shall be a physician of good standing. (1972 Code § 31.350)~~

~~—B.— General Duties:~~

~~—1.— The Health Officer shall be an enforcing officer for the Board of Health, and shall see to the enforcement of all rules of the Board. He shall examine all cases of contagious diseases arising in the City, and shall see to the enforcement of quarantine rules, and determine the time for raising quarantine and take charge of the necessary fumigation. He shall give to the Board of Health and City Council information and advice concerning the health of the City, and shall perform such other duties as may be assigned to him by the Council. (1972 Code § 31.355)~~

~~—2.— It shall be the duty of the Health Officer to make or cause to be made analysis of any food or drink alleged to be tainted or unwholesome, and to make or cause to be made an analysis of the drinking water of the City whenever requested to do so by the City Council; and where such analysis is made by anyone not a City employee the cost shall be paid by the City. (1972 Code § 31.360; amd. 1986 Code)~~

~~—3.— The Health Officer shall assist in the enforcement of all ordinances relating to the sale or storage of food and drink intended for human consumption, and shall make or cause to be made such tests and analyses and inspections as may be necessary for this purpose. (1972 Code § 31.365)~~

~~**1-7-9: DIRECTOR OF PUBLIC WORKS:**~~

~~—A.— Office Created: There is created the office of director of public works, who shall be appointed by the mayor with the advice and consent of the city council.~~

~~—B.— Duties:~~

~~—1.— The director of public works shall be responsible for the administration of all public works in the city, including, but not limited to, planning, directing, administering and supervising all programs and activities of the department. The department is responsible for streets, sanitation, cemeteries, the electric, water and sewer utilities, city engineering activities and public buildings and grounds. This work is performed under the administrative direction of the city administrator.~~

~~—2.— The director of public works shall supervise and coordinate the following divisions of the city:~~

~~— a.— City engineering, through the assistant public works director/city engineer;~~

~~— b.— Water and sewer division through the water and sewer superintendent;~~

~~— c.— Street division through the superintendent of streets; and~~

~~— d.— Wastewater treatment division, through the superintendent of wastewater treatment.~~

~~— e.— Electric division. (Ord. 15-01, 1-20-2015)~~

~~**1-7-10: SUPERINTENDENT OF MUNICIPAL ELECTRIC UTILITY:**~~

~~—A.— Office Created: There is hereby created the position of superintendent of the Batavia municipal electric utility, who shall be appointed each year by the mayor with the consent and approval of the city council. The said superintendent shall perform his duties and carry out his responsibilities under the direction of the director of public works.~~

~~—B.— General Duties: The duties and responsibilities of the superintendent of the Batavia municipal electric utility shall be as follows. He shall:~~

~~—1.— Supervise the day to day operation and maintenance of the electric distribution system in such a manner as to provide adequate service and minimum interruptions of service to the users of the system.~~



~~—2. Employ and supervise all employees of the electric utility, except for meter readers and billing clerks. The number and classification of employees shall be as authorized by the city council. He may discharge employees for cause subject to the provisions of any written agreement between the city and a recognized union type employees' bargaining association.~~

~~—3. Follow and enforce all ordinances, rules, regulations and policies adopted by the city council to govern the operation of the electric utility.~~

~~—4. From time to time propose changes in said ordinances, rules, regulations and policies and present same to the public utilities committee of the city council for consideration.~~

~~—5. Supervise the planning and construction of improvements and extension to the electric distribution system so as to adequately serve the future as well as present users of the system.~~

~~—6. Give technical advice and assistance, as necessary or requested, to:~~

~~— a. The city building inspectors who are responsible for inspecting electric installations in all buildings in the city.~~

~~— b. The city collector who is responsible for meter reading, preparation of bills, and collection of all charges for electric service to the users of the electric system.~~

~~— c. The city controller who is responsible for the sale policies of the electric utility.~~

~~—7. Monitor the use and cost of electric energy purchased by the utility from its supplier and prepare a monthly and an annual report to the public utilities committee showing the kilowatt hours purchased, the maximum demand of the system and the cost of purchased power.~~

~~—8. Prepare an annual budget for the operation, maintenance, and improvement of the electric distribution system and submit same to the director of public works.~~

~~—9. Requisition, receive, store and maintain inventory control records for all materials, supplies and equipment used in maintaining, improving, and extending the electric distribution system. (Ord. 79-12, 3-19-1979)~~

#### **1-7-11: ASSISTANT DIRECTOR OF PUBLIC WORKS/CITY ENGINEER:**

~~—A.—Office Created; Appointment: There is hereby created the office of public works engineer/assistant director of public works, who shall be appointed by the mayor, by and with the advice and consent of the city council.~~

~~—B.—Duties: The assistant director of public works/city engineer shall be subject to the directions of the public works director and shall perform such professional engineering services as may be required by the public works department and such other duties assigned from time to time by the public works director as may be required. (Ord. 15-01, 1-20-2015)~~

### **TITLE 1, CHAPTER 8**

#### **MUNICIPAL DEPARTMENTS**

#### **REVISIONS TO ARTICLES C AND D ONLY**

#### **ARTICLE C. ADMINISTRATION DEPARTMENT**

#### **1-8C-1: DEPARTMENT CREATED:**

There is created an Administration Department for the City, which shall consist of a City Administrator and such other employees as budgeted for by the city council.

**1-8C-2: CITY ADMINISTRATOR:**

- A. Position Created: There is created the position of city administrator who shall be appointed each year by the mayor with the advice and consent of the city council and subject to a contract for employment approved by the council. The city administrator may at any time be removed from the position by the mayor subject to the rules applicable for terminating an appointive officer. An annual job performance evaluation of the city administrator shall be conducted by the mayor with the input of the city council.
- B. General Duties: The city administrator, under the direction and supervision of the mayor, shall be responsible for the efficient and productive administration of all city departments and his duties shall include, but shall not be limited to, the following:
1. The enforcement and administration of all laws, ordinances and city policies within the city.
  2. The making of recommendations concerning the appointments of all city department heads and assisting the mayor in providing annual job performance evaluations of all appointed city department heads.
  3. The maintenance of day to day management of all city departments and divisions thereof created by the city council.
  4. Supervision of the finance director and budget officer with respect to the preparation and institution of the annual municipal budget.
  5. The supervision and review of the operations of the city finance department on a regular basis, the periodic review of the city's financial status, and the report of said findings to the mayor and city council on a regular basis.
  6. The production of required studies and recommendations for improvement or change of existing or proposed city services or policies.
  7. The attendance at all meetings of the city council, unless excused by the mayor, and the right to take part in the discussions at said meetings but with no right to vote.
  8. The representation of the city at any community or intergovernmental functions as may be directed by the mayor.
  9. The ultimate responsibility for handling and following up inquiries and/or requests for public services from elected and/or appointed officials of the city as well as from the public at large.
  10. The supervision of the interdepartmental coordination of all city departments including, but not limited to, the coordination of the planning, review and development of all projects involving annexation, community development, growth, restoration or general development in the community as said items relate to city government.

**~~1-8C-1: DEPARTMENT CREATED:~~**

~~There is created a Building and Inspection Department for the City, which shall consist of a Building and Inspection Commissioner, an Inspector and any other personnel as the City Council may from time to time authorize. (1972 Code § 152.050)~~

**1-8C-2: BUILDING AND INSPECTION COMMISSIONER:**

—A.— Appointment: There is hereby created the office of Building and Inspection Commissioner, who shall be appointed by the Mayor with the advice and consent of the City Council, and who shall be responsible to the Mayor. (1972 Code § 152.055)

—B.— Qualifications: The Building and Inspection Commissioner shall be an experienced architect or licensed engineer, and shall have a knowledge of all phases of construction. Such officer shall be available for full time service and shall not be affiliated or connected directly or indirectly with any building concern, building contractor, subdivider or land developer, nor shall he be affiliated or connected directly or indirectly with any union or manufacturer or supplier of building materials or produce. (1972 Code § 152.065)

—C.— Duties: The duties of the Building and Inspection Commissioner shall be as follows:

—1.— To see to the enforcement of the zoning ordinance of the City; including the making of recommendations as to changes therein, and all other duties incidental to zoning in the City; and to see to the enforcement of all ordinances of the City in respect to signs, including the issuance of sign permits; and to see to the enforcement of all ordinances and regulations of the City in relation to trailers and trailer parks.

—2.— To have general charge and supervision of the erection, construction, alteration, repair, removal and inspection of all buildings, walls, structures or portions thereof, and accessories thereto within the City, including lighting, plumbing, heating and ventilating systems or equipment, and to enforce all the provisions of the Building Code and other ordinances of the City relating thereto.

—3.— To have charge and supervision of all electrical construction, signs, boiler installation and plumbing, and the inspection thereof where permitted by law.

—4.— To issue permits for the aforesaid work as hereinafter provided.

—5.— To perform such further duties as the provisions of this Article or other ordinances of the City may require, including any provisions in the City Building Code, in relation to subsurface tile and seepage fields, percolation tests and any provisions therein concerning drainage and enforcement of any such ordinances, and including setbacks and elevations.

—6.— To assist the Health Officer in the execution of his duties, including making inspections of restaurants and food handlers.

—7.— To see to the enforcement of all ordinances pertaining to the opening of streets and construction by private persons, firms or corporations of utilities, and to issue permits for such construction.

—8.— To see to the inspection of trees within the City to ascertain blighted conditions or infections or diseases of trees.

—9.— To see to the inspection of sidewalks and streets within the City, and to apprise the Mayor of defective conditions therein.

—10.— To see to the sanitation of the Fox River within the City and the adjacent banks of the River where legally permissible to do so, and to cause the removal of all debris possible in said River and along the banks thereof, and to see to the inspection of the public parks belonging to the City for proper sanitation and cleanliness.

—11.— To enforce all ordinances of the City in relation to weed and pest control.

—12.— To meet with the Plan Commission of the City for the purpose of assisting in the coordination of subdivision in relation to street plans, zoning and building questions.

—13.— To call attention to the Mayor any other conditions within the City that would make for better sanitation and a more attractive City.

**1-8C-3: OTHER MEMBERS OF THE DEPARTMENT:**

—A.— There is created the position of Inspector, who shall be appointed by the Mayor with the advice and consent of the City Council. The Inspector shall be responsible to the Building and Inspection Commissioner and shall perform such duties delegated to him by such officer. The Inspector shall, in the

~~absence of the office of Building and Inspection Commissioner being occupied, perform all the duties and have all of the authority of the Building and Inspection Commissioner.~~

~~—B.— The City Council may, from time to time, authorize the employment of assistant inspectors, which assistant inspectors, upon being authorized by the City Council, shall be hired by the Building and Inspection Commissioner. (1972 Code § 152.075)~~

**~~1-8C-4: COMPENSATION:~~**

~~The Building and Inspection Commissioner and all other members of the Department shall receive such compensation as may from time to time be prescribed by the City Council by separate ordinance or in the annual appropriation ordinance. (1972 Code § 152.080)~~

**ARTICLE D. FINANCE DEPARTMENT**

**1-8D-1: DEPARTMENT CREATED:**

There is created a Finance Department for the City, which shall consist of a Finance Director and Budget Officer and such other employees as budgeted for by the city council.

**1-8C-2: FINANCE DIRECTOR AND BUDGET OFFICER:**

- A. Position Created: There is created the position of city finance director and budget officer who shall be appointed each year by the mayor, with the advice and consent of the city council. The finance director and budget officer may at any time be removed from the position by the mayor, subject to the rules applicable for terminating an appointive officer.
- B. General Duties: The position shall perform all duties of Controller and City Collector as defined by state statute.
- C. Bond: The position shall give bond to the city in such amount and form as the city council shall approve, conditioned for the faithful discharge of the position's duties.

**TITLE 2, CHAPTER 7**

**EMERGENCY SERVICES AND DISASTER AGENCY**

**REVISION TO SECTION 3 ONLY**

**2-7-3: ESDA MANAGER:**

There is hereby created the position of ESDA manager, who shall be ~~designated appointed~~ by the Fire Chief ~~mayor with the advice and consent of the city council~~. The manager of city ESDA shall be responsible to and report to the Fire Chief ~~coordinator~~ for the organization, administration, training and operation of the ESDA as it pertains to civilian volunteers. Compensation, if any, for such position shall be determined by the city council as part of the city's regular budget process.

**TITLE 8, CHAPTER 1**  
**PUBLIC UTILITIES – MUNICIPAL ELECTRIC UTILITY**  
**REVISION TO ARTICLE A, SECTION 2**

This section intentionally left blank

~~8-1A-2: APPOINTMENT AND DUTIES OF SUPERINTENDENT:~~

~~The Superintendent of Municipal Electric Utility shall be appointed by the Mayor with the approval of the City Council. The Superintendent of the Municipal Electric Utility shall report and be responsible for the actions of the Utility to the Administrative Assistant to the Mayor. The duties of said Superintendent shall be as follows:~~

~~A.— He shall supervise the maintenance, operation, construction and planned expansion of the electrical facilities.~~

~~B.— He shall hire and direct all employees of the Utility and such other employees as may be provided by the Administrative Assistant to the Mayor on a part-time basis.~~

~~C.— He shall supervise all Building Inspectors inspecting electrical installations within the City and all reports, permits and correspondence relating thereto shall be approved by him.~~

~~He shall be responsible for the determination of the general administrative, operating and sales policies of the Utility. Upon approval of the Public Utilities Committee and the City Council, he shall see that said policies are executed and adhered to; said policies shall supplement this Article and shall be as binding as if stated herein.~~

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 22-15**

**AMENDING THE MUNICIPAL CODE  
RELATED TO EMPLOYEE APPOINTMENTS**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 18<sup>TH</sup> DAY OF JULY, 2022**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 18<sup>th</sup> day of July, 2022

Prepared by:  
  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 22-15**

**AMENDING TITLE 1 OF THE MUNICIPAL CODE  
RELATED TO EMPLOYEE APPOINTMENTS**

**WHEREAS**, the City of Batavia has reviewed existing provisions within the Batavia Municipal Code relating to employee appointments; and

**WHEREAS**, certain provisions within the Code are inconsistent with the City's actual practices and state law;

**WHEREAS**, the City has determined that it is necessary to revise and update the Code related to employee appointments; and

**NOW THEREFORE**, be it hereby ordained by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1:** That the Batavia Municipal Code is hereby amended and modified per Exhibit I attached hereto.

CITY OF BATAVIA, ILLINOIS, ORDINANCE 22-15

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**PRESENTED** to the City Council of the City of Batavia, Illinois, this 18<sup>th</sup> day of July, 2022.

**PASSED** by the City Council of the City of Batavia, Illinois, this 18<sup>th</sup> day of July, 2022.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 18<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

Ward	Alderman	Aye	Nay	Abstain	Absent
1	Baerren				
1	Solfa				
2	Lehman				
2	Wolff				
3	Ajazi				
3	Chanzit				
4	Malay				
4	Connelly				
5	Uher				
5	Beck				
6	Cerone				
6	Russotto				
7	Vogelsinger				
7	Miller				
Mayor	Schielke				
		<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
	<b>TOTALS</b>				

*total holding office: Mayor and 14 Aldermen*

ATTEST:

\_\_\_\_\_  
Kate Garrett, City Clerk



## **EXHIBIT I ORDINANCE 22-15**

**The entirety of Title 1, Chapter 6 of the Municipal Code shall be deleted and replaced with the following:**

### CHAPTER 6

#### MUNICIPAL OFFICERS AND PERSONNEL POLICIES

##### 1-6-1: CONDITIONS ON FILE:

All city regulations concerning salaries, wages, fringe benefits and other conditions of employment are on file at the city clerk's office.

##### 1-6-2: APPOINTMENTS:

A. The mayor shall make appointments to fill all appointive offices required by statute and appointive positions required by the City Code, such appointments to be made by and with the advice and consent of the city council.

B. The mayor shall make appointments to fill the following appointive employee positions:

1. City Administrator
2. Finance Director and Budget Officer
3. Police Chief
4. Fire Chief
5. Public Works Director
6. Information Systems Director
7. Human Resources Director
8. Community Development and Economic Development Director

Such appointments to be made by and with the advice and consent of the city council

##### 1-6-3: TERM OF OFFICE; TERM OF EMPLOYMENT; VACANCIES AND REMOVALS:

A. Every appointive officer or employee of the city shall hold office or employment for a term of one year or until his/her successor is appointed and qualified unless it is otherwise provided by ordinance or contract. In case of a vacancy, the mayor, with the advice and consent of the City Council, shall appoint a new officer or employee.

B. Any appointed officer or employee may be removed from office or employment by the mayor, with the advice and consent of the City Council.

C. Every officer or other appointee of the city, upon the termination of the appointment, for any cause whatsoever, shall deliver to his/her successor all books and records which may be the property of the city; and if no successor has been appointed within one week after the termination of office such property shall be delivered to the clerk.

##### 1-6-4: OATH AND BOND:

Every officer of the city shall, before entering upon his/her duties, take the oath prescribed by a state law and shall give a bond in such amount as may be determined by the council and with such sureties as it may approve, conditioned upon the faithful performance of the duties of his/her office or position.

##### 1-6-5: SURETY BONDS:

A. 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 or such other surety as may be approved by the city council, in the absence of specific provision to the contrary by ordinance.

- B. Whenever in its opinion additional sureties or an additional surety may be needed on any bond given to indemnify the city against loss or liability, because of the insolvency of the existing surety or sureties or for any other reason, the city council may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond, or his/her assignee, the city council shall declare the bond to be void, and thereupon such principal, or assignee, shall be deemed to have surrendered the privilege or position as a condition of which the bond was required.

1-6-6: ASSIGNMENT OF DUTIES:

The mayor shall have the power to assign to any appointed officer any duty which is not assigned by ordinance to some other specific officer; and he/she shall determine disputes or questions relating to the respective powers or duties of officers after consultation with the city attorney.

1-6-7: RECORDS:

All records kept by any officer of the city shall be open to inspection by the mayor, or any member of the council at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

1-6-8: MONIES RECEIVED:

Every officer of the city shall, at least once each month, turn over all monies received by him/her in his/her official capacity to the treasurer or his/her designee with a statement showing the source from which the same was received.

1-6-9: ARRESTS:

The mayor, members of the city council, members of the fire department, as well as every member of the police department, are declared to be conservators of the peace with such powers to make arrests as are given to the conservators of the peace by statute.

1-6-10: PROHIBITED ACTS:

- A. Impersonation: It shall be unlawful for any person to impersonate without lawful authority any city officer or employee. Whoever violates this subsection shall be fined not more than five hundred dollars (\$500.00) for each offense.
- B. Interfering With Officers: It shall be unlawful to interfere with or hinder any officer or employee of the city while engaged in the duties of his/her office. Any person violating this subsection shall be fined not more than five hundred dollars (\$500.00) for each offense.

1-6-11: RESIDENCY:

Residency requirements for city employees shall be as specified in the order of priority within individual employment contracts, the applicable collective bargaining agreements for employees bound by such agreements, or the Employee Personnel Policy Manual for employees not subject to an employment contract or collective bargaining agreement.

**The entirety of Title 1, Chapter 7 of the Municipal Code shall be deleted and replaced with the following:**

**CHAPTER 7**

**MUNICIPAL OFFICERS**

**1-7-1: CITY ATTORNEY:**

- A. Office Created: There is created the office of City Attorney who shall be appointed by the Mayor and with the advice and consent of the City Council.
- B. Powers And Duties:
  - 1. Functions: The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the City may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the City on behalf of the City, or in the capacity of such person as an officer of the City.
  - 2. Protection Of City's Interests: It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the City, and of all similar interlocutory order.
  - 3. Legal Advisor: The Attorney shall be the legal advisor of the City, shall attend all the meetings of the City Council, and shall render advice on all legal questions affecting the City, whenever requested to do so by any City official. Upon request by the Mayor or by the Council, he/she shall reduce any such opinion to writing.
  - 4. Draft Legal Instruments: It shall be the duty of the Attorney to draft or supervise the phraseology of any contract, lease or other documents or instruments to which the City may be a party; and upon request of the Council, to draft ordinances covering any subjects within the power of the City.
- C. Compensation: The Attorney shall receive as compensation for his/her duties, an amount determined by annual written agreement determined by the City Council.

**The entirety of Title 1, Chapter 8 of the Municipal Code shall be deleted and replaced with the following:**

**CHAPTER 8**

**MUNICIPAL DEPARTMENTS**

**ARTICLE A. DEPARTMENT OF POLICE**

**1-8A-1: CREATION OF DEPARTMENT AND COMPOSITION:**

There is hereby created a police department, referred to in this chapter as the "department". The police department shall consist of a chief of police. Further, it shall consist of two (2) deputy chiefs, eight (8) sergeants and such number of patrol officers as may from time to time be provided by the mayor, with the advice and consent of the city council, and as budgeted for by the city council.

Notwithstanding the provisions of the above paragraph, subsequent to March 7, 2009, the following shall be in effect during the period of time during which the officers who are first appointed to the deputy chief position remain employed by the city:

For purposes of employment with the city, each such officer shall retain the rank of commander, so that in the event they are removed from the deputy chief position, but continue their employment with the city (demoted), the officer shall resume the position and rank of commander, and that deputy chief position shall remain vacant until that commander leaves the commander position. The city budget shall automatically be amended to provide funding for the newly assumed commander position, and funding for the vacant deputy chief position shall be automatically terminated.

**1-8A-2: RANK OF OFFICERS:**

The chief of police shall be the head of the department and shall have command and supervision over all officers and members thereof. Following him/her in rank shall be the deputy chiefs, commanders (in the event there are any pursuant to section 1-8A-1 of this article), sergeants and patrol officers, respectively, in order of seniority, in each group. However, in the event that pursuant to the provisions of section 1-8A-1 of this article, one of the initially appointed deputy chiefs resumes the position of commander, that commander shall report directly to the chief of police.

**1-8A-3: BOND REQUIREMENTS:**

The chief of police and each sworn police officer shall execute, at the time of their appointment to the city, bond in the amount to be established by the corporate authorities with sureties to be approved by the corporate authorities and conditioned as required by law.

**1-8A-4: CHIEF OF POLICE:**

- A. Appointment: The chief of police shall be appointed by the mayor with the consent of the city council and shall serve at the discretion of the mayor and the city council.
- B. Tenured Officer: If any member of the police department, having a rank therein under the fire and police commission, shall be appointed chief of police, then upon the expiration of his/her term as chief, he/she shall resume his/her status and rank held before his/her appointment as chief.
- C. General Duties: The chief of police shall:
  1. Discharge all duties imposed upon him/her by law and the ordinances of the city;
  2. Be responsible for the faithful and efficient conduct of the operation of the department;
  3. Be responsible for the enforcement and maintenance of law and order;
  4. Be the keeper of the city jail and shall have custody of all persons incarcerated therein;
  5. Have custody of all apparatus and property pertaining to the department and shall be responsible for the maintenance thereof;
  6. Make a monthly report to the mayor and the city council of the activities of the department during the month. The data to be submitted will indicate the current crime trend report, juvenile, accident and other statistical data. The chief of police shall also make available a year end report consisting of the same data. This report will be made available at the end of the calendar year;
  7. Have the custody of all lost, abandoned or stolen property recovered in the city;
  8. See that all records and original reports shall be preserved;

9. May make or prescribe such rules and regulations as he/she shall deem advisable. Such rules and regulations shall be binding on the members of the department. Besides the conduct of the members, such rules and regulations may cover uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the better efficiency of the department.

1-8A-5: DEPARTMENT MEMBERS:

- A. All full time paid members of the department, with the exception of the chief and deputy chiefs, shall be considered to be members of the classified service and shall be appointed, promoted and removed by the board of fire and police commissioners of the classified service.
- B. Appointments And Promotions: Appointments of members to and promotions within the department, other than the chief of police and deputy police chiefs, shall be made by the board of fire and police commissioners as provided by statute. Appointments of members to and removal of members from the position of deputy police chief shall be made by the chief of police pursuant to state statute.
- C. Discharges: No member of the classified service shall be discharged from the department except after a hearing on the charges before the board of fire and police commissioners as provided by statute, provided this section shall not be construed as affecting the power of the mayor to appoint and remove the chief of police with the advice and consent of the city council.

1-8A-6: DUTIES AND CONDUCT OF DEPARTMENT:

- A. General: It shall be the duty of the members of the department to enforce all the provisions of this code, ordinances of the city and all statutes and laws effective in the city, and to preserve order and prevent infractions of the laws and arrest violators thereof. Every member of the department is hereby declared to be a conservator of the peace.
- B. Service Of Legal Papers: All members of the department shall be authorized to serve writs, summonses and other processes.
- C. Conduct Of Members: It shall be the duty of every member of the department to conduct himself/herself in a proper and law abiding manner and to avoid the use of unnecessary force.
- D. Witness Fees: Every member of the department shall appear as a witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any such action or suit to which the city is a party. Any fees paid for such service shall be turned over to the chief, who shall deposit the same with the city treasurer.
- E. Rewards: For meritorious service rendered by any member of the police force in the due discharge of his/her duty, the chief of police may permit such member to retain for his/her own benefit, so far as he/she may be permitted by law, any reward or present tendered him/her therefor; and it shall be cause for removal for any member of the police force to receive any such reward or present without notice thereof to the chief of police and without his/her permission.

1-8A-7: AUXILIARY POLICE:

The mayor, by and with the consent of the city council, may appoint any reputable person as an auxiliary police officer, to serve for such term and on such conditions as may be designated by

the term of such appointment. Auxiliary police officers shall have the powers and duties of a conservator of the peace, and shall receive no compensation from the city, unless such compensation is ordered by the city council. Appointments may be revoked at any time by the mayor or the chief of police.

#### ARTICLE B. FIRE DEPARTMENT

##### 1-8B-1: CREATION OF DEPARTMENT:

There is created and established a fire department consisting of a fire chief and such other members of said fire department as may from time to time be provided for by the mayor and city council as provided herein.

##### 1-8B-2: OFFICERS AND MEMBERS OF THE DEPARTMENT:

A. Fire Chief: There is hereby created the office of the fire chief, an executive office of the city. The fire chief shall be appointed, and may be removed from office by the mayor, with the advice and consent of the city council.

##### B. Full Time Members Of The Fire Department:

1. Deputy Chief: There is hereby created the position of full time deputy chief of the fire department. There shall be one such deputy chief, who shall be appointed by the fire chief with the approval of the city administrator.
2. Battalion Chief: There is hereby created the position of battalion chief. There shall be three (3) full time battalion chiefs, who shall be appointed by the fire chief consistent with approved city hiring and promotional practices and the terms of any applicable collective bargaining unit. Unless discharged for cause through the board of fire and police commissioners, demotion or resignation from the battalion chief position shall be in conformance with approved city hiring and promotional practices and the terms of any applicable collective bargaining agreement.
3. Lieutenant: There is hereby created the position of fire lieutenant. There shall be six (6) full time lieutenants who shall be appointed, retained, disciplined and discharged by the fire chief and board of fire and police commissioners in accordance with the procedures established by applicable statutory provisions.
4. Firefighter: There is hereby created the position of full time firefighter, the number of whom shall be determined from time to time by the city council. They shall be appointed, retained, disciplined and discharged by the fire chief and board of fire and police commissioners in accordance with the procedures established by applicable statutory provisions.

##### C. Paid On Call Members:

1. Paid On Call Captain: There is hereby created the position of paid on call captain of the fire department. Such position shall cease to exist when the position becomes vacant any time after January 1, 2013.
2. Paid On Call Lieutenant: There is hereby created the position of paid on call lieutenant of the fire department. The number of paid on call lieutenants shall be as the city council shall from time to time determine. Such position shall cease to exist when the position becomes vacant any time after January 1, 2013.

3. Paid On Call Supervisor: There is hereby created the position of paid on call supervisor of the fire department. The number of paid on call supervisors shall be as the fire chief shall from time to time determine and shall be approved by the city administrator and the city council through the budget process.
4. Paid On Call Firefighters: The paid on call firefighters shall be recommended to the mayor by the fire chief and appointed by the mayor, with the advice and consent of the city council. Paid on call firefighter appointments may be revoked at any time upon the recommendation of the fire chief to the city administrator. A paid on call firefighter may request a hearing, regarding a discharge, before the mayor, city administrator and fire chief.
5. Additional Members: The fire chief may recommend individuals with specialized fire service training for membership as paid on call members of the department. These individuals may be designated to serve in the following positions: chaplain; fire scene investigator; fire service training specialist; fire ground photographer; fire ground command aide; fire prevention specialist; public education specialist; fire protection specialist; computer specialist; and fire apparatus mechanic specialist.
6. City Employees: All paid on call members of the fire department are to be considered employees of the city.

1-8B-3: DUTIES OF FIRE CHIEF:

- A. General: The fire chief is responsible for the enforcement of all laws and ordinances coming within the legal jurisdiction of the department; for managing, planning, directing, coordinating, controlling, budgeting and staffing all activities of the department for its continued and efficient operations; for enforcement of rules and regulations within the department; for the completion and forwarding of such reports as may be required by competent authority and for the department's relations with the citizens of Batavia, the city government and other agencies. He/she shall supervise subordinate officers and shall review all their activities. The fire chief is responsible for giving direction to all emergency medical service personnel and/or firefighting personnel at the scene of any fire or emergency related incident; for the administration of all emergency medical incidents, fire prevention activities, building plan reviews, fire and EMS personnel training, apparatus, station and equipment maintenance, fire department communications (dispatch), public fire education, fire investigations, fire hydrant testing, fire suppression, fire inspections, preplanning, and surveys, safety and all other required areas of responsibility. The fire chief may accomplish the above through delegation of duties and responsibilities to subordinate officers and members. In the absence of the fire chief, the deputy chief shall be charged with the above duties.

The fire chief shall also function as the coordinator of the Batavia ESDA, and in addition to the duties prescribed by state statute, shall be responsible for supervising, directly or indirectly, the ESDA manager as more fully described in section 2-7-1 of this code. The fire chief shall be responsible for preparation, maintenance and coordination of training relating to the city's emergency operating plan.

- B. Rules And Regulations: The fire chief shall make or prescribe such rules and regulations for the guidance of the members of the fire department, not to conflict with any state statutes, city ordinances, or internal city policies. Such rules and regulations shall be binding on such members and employees of the fire department. All members will be furnished a copy of all rules and regulations, commonly known as the "Batavia Fire Department Policy And Operations Manual".
- C. Supervision Over Department Equipment: The fire chief shall have the control of the fire department and all fire apparatus belonging to the city subject to the order and direction of the mayor. Whenever any fire apparatus needs repairing, said fire chief shall cause the same to be done without delay.
- D. Records: The fire chief shall keep, or cause to be kept, a record of all fires, training and all other required records.

**1-8B-4: FUNCTION AND DUTY OF DEPARTMENT:**

It shall be the function and duty of the fire department and every member thereof to extinguish accidental or destructive fires, to prevent the occurrence or spread of such fires, to respond to alarms, attend all drills and help educate the public regarding fire safety and prevention.

**1-8B-5: OBEDIENCE TO ORDERS:**

Any firefighter in attendance at any incident who shall neglect or refuse to obey the orders of any officer at such incident, shall be subject to having disciplinary proceedings brought against him/her by the board of fire and police commissioners, the fire chief, or any officer in accordance with the policy and operations manual and the board of fire and police commissioners rules and regulations.

**1-8B-6: ENTERING FIRE STATIONS:**

It shall be and hereby is declared unlawful for any person or persons, after due notice or warning, to enter the fire department stations or any place where the equipment and apparatus of the fire department is stored, without the permission from the person in charge, at any time except on business pertaining to the fire department or other city business. The penalty for violation of this section shall be a fine of not more than seven hundred fifty dollars (\$750.00).

**1-8B-7: SERVICE OUTSIDE CORPORATE LIMITS:**

The fire department may respond to calls outside the city limits as hereinafter provided. The fire department shall respond to calls outside the city limits pursuant to the terms of any agreement approved by the city council for provision of said services. The fire department may respond to calls outside of both the city limits and the limits of any area covered by such a written agreement, only if, in the judgment of the fire chief or member in charge of the department, the responding to such calls will not impair fire protection, or endanger the life, health or property of persons residing within the city or the area covered by said written agreement. Response outside the city and area covered by an agreement shall only be made to agencies who have an official mutual aid agreement on file with the city of Batavia, unless in case of a severe emergency, which shall be determined at the discretion of the fire chief or the officer in charge.

**1-8B-8: FIRE PROTECTION TRAINING:**

- A. The city hereby elects to participate in the training programs provided for in the Illinois fire protection training act.
- B. Only individuals who have been certified by the Illinois state fire marshal as a firefighter II and paramedic shall be hired as full time firefighters.

**1-8B-9: FOREIGN FIRE INSURANCE RECEIPTS; ADMINISTRATION:**



- A. Board Established: There is hereby established a foreign fire insurance board, the officers of which shall be elected by members of the Batavia fire department. Both full time and paid on call members shall be considered as members of the fire department for purposes of this section, and all members of the department shall be eligible to be elected as officers of the foreign fire insurance board.
- B. Accordance With Illinois Compiled Statutes: The affairs and procedures of the foreign fire insurance board shall be in accordance with the provisions of the Illinois Compiled Statutes.
- C. Officers: The following officers of the foreign fire insurance board (for purposes of use of foreign fire insurance funds) shall be elected by the members for terms of a minimum of one year: president, vice president, secretary and treasurer. The treasurer of the foreign fire insurance board shall give a sufficient bond to the city (which shall be approved by the city attorney as to form) securing the faithful performance by the treasurer of his/her duties and the rules and regulations provided for in this section.
- D. Rules And Regulations: The officers of said board shall make all needful rules and regulations with respect to the board and management of the funds to be appropriated to the board by the city, and shall further develop and maintain a listing of those items which the board determines are appropriate for the maintenance, use and benefit of the fire department.
- E. Separate Account: All sums paid to the city treasurer as provided for in 65 Illinois Compiled Statutes 5/11-10-1 and as hereafter amended, shall be segregated in a special account and shall be transferred annually by the mayor and city council to the foreign fire insurance board.
- F. Use Of Funds: Upon order of the foreign fire insurance board, the treasurer of the board thereof shall pay out said money for the maintenance, use and benefit of the department.
- G. Records: Adequate records of the expenditure of said funds shall be maintained by the foreign fire insurance board, and they shall be made available to the corporate authorities upon their request for auditing as part of the annual municipal audit.

#### ARTICLE C. ADMINISTRATION DEPARTMENT

##### 1-8C-1: DEPARTMENT CREATED:

There is created an Administration Department for the City, which shall consist of a City Administrator and such other employees as budgeted for by the city council.

##### 1-8C-2: CITY ADMINISTRATOR:

- A. Position Created: There is created the position of city administrator who shall be appointed each year by the mayor with the advice and consent of the city council and subject to a contract for employment approved by the council. The city administrator may at any time be removed from the position by the mayor subject to the rules applicable for terminating an appointive officer. An annual job performance evaluation of the city administrator shall be conducted by the mayor with the input of the city council.
- B. General Duties: The city administrator, under the direction and supervision of the mayor, shall be responsible for the efficient and productive administration of all city departments and his/her duties shall include, but shall not be limited to, the following:
  1. The enforcement and administration of all laws, ordinances and city policies within the city.

2. The making of recommendations concerning the appointments of all city department heads and assisting the mayor in providing annual job performance evaluations of all appointed city department heads.
3. The maintenance of day to day management of all city departments and divisions thereof created by the city council.
4. Supervision of the finance director and budget officer with respect to the preparation and institution of the annual municipal budget.
5. The supervision and review of the operations of the city finance department on a regular basis, the periodic review of the city's financial status, and the report of said findings to the mayor and city council on a regular basis.
6. The production of required studies and recommendations for improvement or change of existing or proposed city services or policies.
7. The attendance at all meetings of the city council, unless excused by the mayor, and the right to take part in the discussions at said meetings but with no right to vote.
8. The representation of the city at any community or intergovernmental functions as may be directed by the mayor.
9. The ultimate responsibility for handling and following up inquiries and/or requests for public services from elected and/or appointed officials of the city as well as from the public at large.
10. The supervision of the interdepartmental coordination of all city departments including, but not limited to, the coordination of the planning, review and development of all projects involving annexation, community development, growth, restoration or general development in the community as said items relate to city government.

#### ARTICLE D. FINANCE DEPARTMENT

##### 1-8D-1: DEPARTMENT CREATED:

There is created a Finance Department for the City, which shall consist of a Finance Director and Budget Officer and such other employees as budgeted for by the city council.

##### 1-8C-2: FINANCE DIRECTOR AND BUDGET OFFICER:

- A. Position Created: There is created the position of city finance director and budget officer who shall be appointed each year by the mayor, with the advice and consent of the city council. The finance director and budget officer may at any time be removed from the position by the mayor, subject to the rules applicable for terminating an appointive officer.
- B. General Duties: The position shall perform all duties of Controller and City Collector as defined by state statute.
- C. Bond: The position shall give bond to the city in such amount and form as the city council shall approve, conditioned for the faithful discharge of the position's duties.

**The entirety of Title 2, Chapter 7, Section 3 of the Municipal Code shall be deleted and replaced with the following:**

TITLE 2, CHAPTER 7

EMERGENCY SERVICES AND DISASTER AGENCY

2-7-3: ESDA MANAGER:

There is hereby created the position of ESDA manager, who shall be designated by the Fire Chief. The manager of city ESDA shall be responsible to and report to the Fire Chief for the organization, administration, training and operation of the ESDA as it pertains to civilian volunteers. Compensation, if any, for such position shall be determined by the city council as part of the city's regular budget process.

**The entirety of Title 8, Chapter 1, Article A, Section 2 of the Municipal Code shall be deleted and replaced with the following:**

TITLE 8 PUBLIC UTILITIES

CHAPTER 1: MUNICIPAL ELECTRIC UTILITY

ARTICLE A: SERVICE REGULATIONS AND RATES

8-1A-2: ELECTRIC SUPERINTENDENT:

This section intentionally left blank