

CHAPTER 4

BOARDS-COMMISSIONS

ARTICLE I – PLANNING COMMISSION

4-1-1 **ESTABLISHED.** A Planning Commission is hereby created under authority of the **Illinois Compiled Statutes, Chapter 65; Article 5/11-12-4 through 5/11-12-12.**

4-1-2 **MEMBERSHIP.** The Planning Commission shall consist of **seven (7) members**, said members to be residents of the City, appointed by the Mayor on the basis of their particular fitness for their duty on the Planning Commission and subject to the approval of the City Council.

4-1-3 **TERM OF OFFICE.** The term of office of each member shall be **three (3) years**. Any appointment to fill a vacancy shall, however, be only for the unexpired term of the member whose position has become vacant. The members of the Commission shall serve until their respective successors are appointed and qualified.

4-1-4 **PROCEDURE.** The Planning Commission shall elect such officers as it may deem necessary and adopt rules and regulations of organization and procedure consistent with the City Code and State Law. The Commission shall keep written records of its proceedings. It shall be open at all times for and to the inspection of the public, and the Commission shall file an annual report with the Mayor and City Council, setting forth its transactions and recommendations.

4-1-5 **POWERS AND DUTIES.** The Planning Commission shall have the following powers and duties:

(A) To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than **one and one-half (1 1/2) miles** beyond the corporate limits of the City and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan or part thereof of the City. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the City Council.

All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the City Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the City and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public

streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law.

(B) To designate land suitable for annexation to the City and the recommended zoning classification for such land upon annexation.

(C) To recommend to the City Council, from time to time, such changes in the comprehensive plan or any part thereof, as may be deemed necessary.

(D) To prepare and recommend to the City Council, from time to time, plans and/or recommendations for specific improvements in pursuance to the official comprehensive plan.

(E) To give aid to the officials of the City charged with the direction of projects for improvements embraced within the official plan or parts thereof, to further the making of such improvements and generally, to promote the realization of the official comprehensive plan.

(F) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(G) To cooperate with municipal or regional plan commissions and other agencies or groups to further the local plan program and to assure harmonious and integrated planning for the area, subject to approval of the City Council.

(H) To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, as may be conferred by the City Council

4-1-6 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. At any time or times, before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan or one or more geographical or functional parts and may include all or any part of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of the City. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the City or within contiguous territory which is not more than **one and one-half (1 1/2) miles** beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the code, including the official map. **(See 65 ILCS Sec. 5/11-12-12)**

4-1-7 IMPROVEMENTS. The City Clerk shall furnish the Planning Commission for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Planning Commission may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the City Council.

4-1-8 **FURTHER PURPOSES.** The Commission shall recommend the boundaries of districts for land use and shall recommend regulations to the corporate authorities for the following:

(A) To regulate and limit the height and bulk of buildings hereafter to be erected.

(B) To establish, regulate and limit the building or setback lines on or along any street, traffic-way, drive, parkway, or storm or flood water runoff channel or basin.

(C) To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings.

4-1-9 **EXPENDITURES.** Expenditures of the Commission shall be at the discretion of the City Council and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the City Council and appropriations by the City Council therefore. **(See 65 ILCS Sec. 5/11-12-12)**

ARTICLE II - BOARD OF POLICE COMMISSIONERS

4-2-1 **BOARD ESTABLISHED.** Pursuant to the provisions of and as required by **Division 2.1 of Article 10 of the Illinois Municipal Code** for municipalities of a population of at least **five thousand (5,000)** and not more than **two hundred fifty thousand (250,000)**, a Board of Police Commissioners consisting of **three (3) persons** is established for the City. **(See 65 ILCS Sec. 5/10-2.1-1 et seq.)**

4-2-2 **APPOINTMENT.** Within **thirty (30) days** after this Article becomes effective, the Mayor shall appoint the first members of the Board of Police Commissioners. **One (1)** of the members shall be appointed to serve until the end of the then current municipal year, another to serve until the end of the municipal year next ensuing, and the third to serve until the municipal year second next ensuing. Every member shall serve until his successor is appointed and has qualified.

4-2-3 **TERM OF OFFICE.** Subsequent appointments to the Board of Police Commissioners shall be made by the Mayor with the advice and consent of the City Council. Subsequent appointments shall be for a term of **three (3) years** and until their respective successors are appointed and have qualified. No such appointment, however, shall be made by any Mayor within **thirty (30) days** before the expiration of his term of office.

4-2-4 **CHAIRMAN ELECTED.** The members of the Board of Police Commissioners shall elect a chairman to serve during the municipal fiscal year.

4-2-5 **QUORUM.** A majority of the Board of Police Commissioners shall constitute a quorum for the conduct of all business.

4-2-6 **OATH AND BOND.** The members of the Board shall be considered officers of the City and shall file an oath and a fidelity bond in such amount as may be required by the governing body of the City.

4-2-7 **CONFLICTING OFFICES.** No person holding an office of the City shall be a member of the Board of Fire and Police Commissioners or the secretary thereof. The acceptance of any such office by a member of the Board shall be treated as a resignation of his office as a member of the Board of Police Commissioners or the secretary thereof. No person shall be appointed a member of the Board of Police Commissioners who is related, either by blood or marriage up to the degree of first cousin, to any elected official of the City. No more than **two (2) members** of the board shall belong to the same political party existing in the City at the time of such appointments and as defined in Section 10-2 of the Election Code, **III. Comp. Stat., Ch. 10, Par. 5/10-2.** If only one or no political party exists in the City at the

time of such appointments, then state or national political party affiliation shall be considered in making such appointments. Party affiliation shall be determined by affidavit of the person appointed as member of the board.

4-2-8 REMOVAL FROM OFFICE. Members shall not be subject to removal, accept for cause, upon written charges and after an opportunity to be heard within **thirty (30) days** in his, her or their own defense, before a regular meeting of the City Council of the City. A majority vote of the elected members of the City Council of the City shall be required to remove any such member from office.

4-2-9 EMPLOYMENT OF SECRETARY. The Board shall designate one of its own members to act as secretary. The secretary (1) shall keep the minutes of the Board proceedings, (2) shall be the custodian of all records pertaining the business of the Board, (3) shall keep a record of all examinations held, (4) shall perform all other duties the Board prescribes and (5) shall be custodian of the seal of the Board, if one is adopted, and the Board is hereby authorized to adopt an official seal and to prescribe the form thereof by resolution of the Board.

4-2-10 POWERS OF BOARD. The Board of Police Commissioners shall have the powers set forth in **Division 2.1 of Article 10 of the Illinois Compiled Statutes (65 ILCS Sec. 5/10-2.1-1, et seq.)** including the following:

- (A) to appoint all officers and members of the police department, except the Chief of Police;
- (B) to discipline, suspend, remove, or discharge officers and members of the police department, except the Chief of Police;
- (C) to conduct hearings on charges brought against a member of the police department, except the Chief of Police.

Nothing in this Section shall be construed to prevent the Chief of Police from suspending, without pay, a member of the police department for a period of not more than **five (5) calendar days**, which right is hereby granted to the Chief of Police.

Notice of any such suspension shall be given to the Board of Police Commissioners and shall be subject to review as provided in **65 ILCS Sec. 5/10-2.17 Illinois Compiled Statutes.**

4-2-11 APPOINTMENT OF CHIEF. The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council and may be removed or discharged by the Mayor upon confirmation by the City Council as set forth in **Ill. Comp. Stat., Ch. 65, Par. 5/10-2.1-4.** All other full time police officers shall be appointed, promoted, removed or discharged in the manner provided in **Division 2.1 of Article 10 of the Illinois Municipal Code. (See 65 ILCS Sec. 5/10-2.1-1 et seq.)**

4-2-12 ADOPTION OF RULES AND REGULATIONS. The Board of Police Commissioners shall adopt and publish rules and regulations to carry out the purpose of **Division 2.1 of Article 10 of the Illinois Municipal Code** and to govern appointments and

removals in accordance with the provisions of said statute. Such rules and regulations shall be adopted according to the procedure required by **Ill. Comp. Stat., Ch. 65, Par. 5/10-2.1-5**. The Board of Police Commissioners, from time to time, may revise such rules and regulations in the same manner as for the adoption of the original rules and regulations. No such rule or regulation shall be made by the Board of Police Commissioners to govern the operation of the police department or the conduct of its members.

4-2-13 **CITY ATTORNEY REPRESENTS BOARD.** The City Attorney shall represent the Board and shall handle prosecutions before the Board.

4-2-14 **APPLICATION OF LAW.** This Article shall apply only to full-time policemen of the City and not to any other personnel of any kind or description.

4-2-15 **STATUTES ADOPTED.** **Division 2.1 of Article 10 of the Illinois Municipal Code**, as amended, (**See 65 ILCS Sec. 5/102.1-1, et seq.**), is hereby incorporated in and made part of this law the same as if recited herein verbatim. In case of any conflict between the provisions of this Article and said Division, said Division shall control. If and as said Division is amended, from time to time, the provisions of this Article in conflict with said Division as a result of said amendment, shall be construed as having been amended by the Amendment to the Division and shall be read, construed and applied in accordance with the provisions of said Amended Division. (**See 65 ILCS Sec. 5/10-2.1-1 et seq.**)

ARTICLE III - POLICE PENSION BOARD

4-3-1 **BOARD ESTABLISHED.** Pursuant to the provisions of and as required by **Article 3 of the Illinois Pension Code** for municipalities with a population of **five thousand (5,000)** or more but less than **five hundred thousand (500,000)** inhabitants, a Police Pension Fund is established for the benefit of police officers of the Police Department and their surviving spouses, children and certain other dependents, as provided in the aforesaid Illinois Pension Code. **(See 40 ILCS Sec. 5/3-101 et seq.)**

4-3-2 **TERMS.** The terms used in this Article have the meanings ascribed to them in this Section:

(A) **"Board"** means the Board of Trustees of the Police Pension Fund of the City of Carlinville.

(B) **"Police Officer"** means any person who (1) is appointed to the police force of the police department and sworn and commissioned to perform police duties; (2) is found upon examination of a duly licensed physician or physicians selected by the Board to be physically and mentally fit to perform the duties of a police officer; and (3) within **three (3) months** after receiving his or her first appointment, and if reappointed within **three (3) months** thereafter, makes written application to the Board to come under the provisions of this Ordinance and **Article 3 of the Illinois Pension Code**.

(C) **"Salary"** means the annual salary, including longevity, attached to the police officer's rank, as established by the City's appropriation ordinance, including any compensation for overtime which is included in the salary so established, but excluding any "overtime pay", "holiday pay", "bonus pay", "merit pay", or any other cash benefit not included in salary so established.

4-3-3 **PENSION FUNDS.** The Police Pension Fund shall consist of the following moneys which shall be set apart by the Treasurer of the City.

(A) All moneys derived from the taxes levied under **Article 3 of the Illinois Pension Code (See 40 ILCS Sec. 5/3-101 et seq.);**

(B) Contributions by police officers under **Ill. Comp. Stat., Ch. 40, Sec. 5/3-125.1;**

(C) All moneys accumulated by the City under any previous legislation establishing a fund for the benefit of disabled or retired police officers;

(D) Donations, gifts or other transfers authorized by **Ill. Comp. Stat., Ch. 40, Sec. 5/3-101 et seq.**

4-3-4 **TAX LEVY.** The City Council shall annually levy and tax upon all the taxable property of the City at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to (1) the normal cost of the pension fund for the year involved, plus (2) the amount necessary to amortize the fund's unfunded accrued liabilities as provided by **Ill. Comp. Stat., Ch. 40,**

Sec. 5/3-127. The tax shall be levied and collected in the same manner as the general taxes of the City, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the City.

4-3-5 EMPLOYEE CONTRIBUTION. Each police officer shall contribute to the police pension fund **nine percent (9%)** of his or her salary which shall be deducted monthly. However, the Chief of Police may elect to participate in the Illinois Municipal Retirement Fund rather than in the fund created under this ordinance. Such election shall be irrevocable, and shall be filed in writing, with the Board.

4-3-6 BOARD MEMBERSHIP. A Board of **five (5) members** shall constitute a Board of Trustees to administer the police pension fund and to designate the beneficiaries thereof. The Board shall be known as the "Board of Trustees of the Police Pension Fund of the City of Carlinville".

Two (2) members of the Board shall be appointed by the Mayor, one of whom shall serve for **one (1) year** beginning on the second Tuesday in May after the municipality comes within the provisions of **Article 3 of the Illinois Pension Code**. The other appointed member shall serve for **two (2) years** beginning on the same date. The successors to each of the foregoing trustees shall serve for **two (2) years** each or until their successors are appointed and qualified.

Two (2) members of the Board shall be elected from the active participants of the pension fund by such active participants. **One (1) member** of the Board shall be elected by and from the beneficiaries. The election of these board members shall be held biennially on the third Monday in April, at such place or places in the City of Carlinville and under the Australian ballot system and such other regulations as shall be prescribed by the appointed members of the Board.

The active pension fund participants shall be entitled to vote only for the active participant members of the Board. All beneficiaries of legal age may vote only for the member chosen from among the beneficiaries. No person shall be entitled to cast more than **one (1) ballot** at such election. The term of elected members shall be **two (2) years**, beginning on the second Tuesday of the first May after the election. **(See 40 ILCS Sec. 5/3-101 et seq.)**

4-3-7 VACANCIES AND RESIGNATIONS. Upon the death, resignation, or inability to act of any elective board member, his or her successor shall be elected for the unexpired term at a special election, to be called by the Board and conducted in the same manner as the regular biennial election.

4-3-8 COMPENSATION. Members of the Board shall neither receive nor have any right to receive any salary from the pension fund for services performed as trustees in that office.

4-3-9 QUARTERLY MEETINGS. The Board shall hold annually regular quarterly meetings in July, October, January and April, and special meetings as called by the President.

At the regular July meeting, the Board shall select from its members a president, vice-president, secretary, and assistant secretary to serve for **one (1) year** and until their respective successors are elected and qualified.

4-3-10 **VICE-PRESIDENT'S DUTIES.** The Vice President shall perform the duties of President during any vacancy in that office, or during the President's absence from the City, or if he or she is by reason of illness or other causes unable to perform the duties of the office.

The assistant secretary shall act for the secretary whenever necessary to discharge the functions of such office.

4-3-11 **POWERS AND DUTIES.** The Board shall have the powers and duties provided under **Article 3 of the Illinois Pension Code**, including those powers and duties stated in **Sections 40 ILCS 5/3-132 through 40 ILCS 5/3-140.1** of said Code.

4-3-12 **ANNUAL STATEMENTS.** On the second Tuesday in May annually, the Treasurer and all other officials of the City who had the custody of any pension funds herein provided, shall make a sworn statement to the pension board, and to the Mayor and City Council of all moneys received and paid out by them on account of the pension fund during the year, and of the amount of funds then on hand and owing to the pension fund. All surplus then remaining with any official other than the Treasurer shall be paid to the Treasurer of the City. Upon demand of the pension board, any official shall furnish a statement relative to the official method of collection or handling of the pension funds. All books and records of that official shall be produced at any time by him for examination and inspection by the Board.

4-3-13 **REPORT TO CITY COUNCIL.** The Board shall report to the City Council on the condition of the pension fund. The report shall be made prior to the City Council meeting held for the levying of taxes for the year for which the report is made.

The Board shall certify:

- (A) the assets in its custody at such time;
- (B) the estimated receipts during the next succeeding calendar year from deductions from the salaries of police officers, and from all other sources; and
- (C) the estimated amount required during said calendar year to (a) pay all pensions and other obligations provided in this Article and in **Article 3 of the Illinois Pension Code**; and (b) to meet the annual requirements of the fund as provided in **Section 4-3-4** hereinabove.

4-3-14 **ILLINOIS PENSION CODE ADOPTED.** **Article 3 of the Illinois Pension Code** is incorporated by reference herein. In case of any conflict between this Code and said Article, the applicable provisions of said Article shall control, and as said Code is amended from time to time, the provisions hereof, insofar as any variance may develop therefrom, if any, shall automatically be construed so as to conform therewith. **(See 40 ILCS Sec. 5/3-101 et seq.)**