

1 AN ACT in relation to municipalities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 4-5-16 as follows:

6 (65 ILCS 5/4-5-16) (from Ch. 24, par. 4-5-16)

7 Sec. 4-5-16. Statement of receipts and expenses;
8 examination of books and accounts; expenditure greater than
9 appropriation.

10 (a) In municipalities with 25,000 ~~15,000~~ or more
11 inhabitants, the council each month shall print in pamphlet
12 form, a detailed itemized statement of all receipts and
13 expenses of the municipality and a summary of its proceedings
14 during the preceding month. In municipalities with fewer than
15 25,000 ~~15,000~~ inhabitants, the council shall print a similar
16 statement annually instead of monthly. The council shall
17 furnish printed copies of each statement to (i) the State
18 Library, (ii) the city library, (iii) all the daily and
19 weekly newspapers with a general circulation in the
20 municipality, and (iv) persons who apply for a copy at the
21 office of the municipal clerk.

22 (b) At the end of each fiscal year, the council shall
23 have competent accountants make a full and complete
24 examination of all books and accounts of the municipality and
25 shall distribute the result of that examination in the manner
26 provided in this Section.

27 (c) It is unlawful for the council or any commissioner
28 to expend, directly or indirectly, a greater amount for any
29 municipal purpose than the amount appropriated for that
30 purpose in the annual appropriation ordinance passed for that
31 fiscal year. A violation of this provision by any member of

1 the council shall constitute a petty offense.

2 (Source: P.A. 87-1119.)

3 Section 10. The Illinois Municipal Code is amended by
4 changing Section 10-2.1-4 as follows:

5 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

6 Sec. 10-2.1-4. Fire and police departments; Appointment
7 of members; Certificates of appointments.

8 The board of fire and police commissioners shall appoint
9 all officers and members of the fire and police departments
10 of the municipality, including the chief of police and the
11 chief of the fire department, unless the council or board of
12 trustees shall by ordinance as to them otherwise provide;
13 except as otherwise provided in this Section, and except that
14 in any municipality which adopts or has adopted this Division
15 2.1 and also adopts or has adopted Article 5 of this Code,
16 the chief of police and the chief of the fire department
17 shall be appointed by the municipal manager, if it is
18 provided by ordinance in such municipality that such chiefs,
19 or either of them, shall not be appointed by the board of
20 fire and police commissioners.

21 If the chief of the fire department or the chief of the
22 police department or both of them are appointed in the manner
23 provided by ordinance, they may be removed or discharged by
24 the appointing authority. In such case the appointing
25 authority shall file with the corporate authorities the
26 reasons for such removal or discharge, which removal or
27 discharge shall not become effective unless confirmed by a
28 majority vote of the corporate authorities.

29 If a member of the department is appointed chief of
30 police or chief of the fire department prior to being
31 eligible to retire on pension, he shall be considered as on
32 furlough from the rank he held immediately prior to his

1 appointment as chief. If he resigns as chief or is discharged
2 as chief prior to attaining eligibility to retire on pension,
3 he shall revert to and be established in whatever rank he
4 currently holds, except for previously appointed positions
5 such--prior--rank, and thereafter be entitled to all the
6 benefits and emoluments of that such--prior rank, without
7 regard as to whether a vacancy then exists in that such rank.

8 All appointments to each department other than that of
9 the lowest rank, however, shall be from the rank next below
10 that to which the appointment is made except as otherwise
11 provided in this Section, and except that the chief of police
12 and the chief of the fire department may be appointed from
13 among members of the police and fire departments,
14 respectively, regardless of rank, unless the council or board
15 of trustees shall have by ordinance as to them otherwise
16 provided. A chief of police or the chief of the fire
17 department, having been appointed from among members of the
18 police or fire department, respectively, shall be permitted,
19 regardless of rank, to take promotional exams and be promoted
20 to a higher classified rank than he currently holds, without
21 having to resign as chief of police or chief of the fire
22 department.

23 The sole authority to issue certificates of appointment
24 shall be vested in the Board of Fire and Police Commissioners
25 and all certificates of appointments issued to any officer or
26 member of the fire or police department of a municipality
27 shall be signed by the chairman and secretary respectively of
28 the board of fire and police commissioners of such
29 municipality, upon appointment of such officer or member of
30 the fire and police department of such municipality by action
31 of the board of fire and police commissioners.

32 The term "policemen" as used in this Division does not
33 include auxiliary policemen except as provided for in Section
34 10-2.1-6.

1 Any full time member of a regular fire or police
2 department of any municipality which comes under the
3 provisions of this Division or adopts this Division 2.1 or
4 which has adopted any of the prior Acts pertaining to fire
5 and police commissioners, is a city officer.

6 Notwithstanding any other provision of this Section, the
7 Chief of Police of a department in a non-homerule
8 municipality of more than 130,000 inhabitants may, without
9 the advice or consent of the Board of Fire and Police
10 Commissioners, appoint up to 6 officers who shall be known as
11 deputy chiefs or assistant deputy chiefs, and whose rank
12 shall be immediately below that of Chief. The deputy or
13 assistant deputy chiefs may be appointed from any rank of
14 sworn officers of that municipality, but no person who is not
15 such a sworn officer may be so appointed. Such deputy chief
16 or assistant deputy chief shall have the authority to direct
17 and issue orders to all employees of the Department holding
18 the rank of captain or any lower rank. A deputy chief of
19 police or assistant deputy chief of police, having been
20 appointed from any rank of sworn officers of that
21 municipality, shall be permitted, regardless of rank, to take
22 promotional exams and be promoted to a higher classified rank
23 than he currently holds, without having to resign as deputy
24 chief of police or assistant deputy chief of police.

25 Notwithstanding any other provision of this Section, a
26 non-homerule municipality of 130,000 or fewer inhabitants,
27 through its council or board of trustees, may, by ordinance,
28 provide for a position of deputy chief to be appointed by the
29 chief of the police department. The ordinance shall provide
30 for no more than one deputy chief position if the police
31 department has fewer than 25 full-time police officers and
32 for no more than 2 deputy chief positions if the police
33 department has 25 or more full-time police officers. The
34 deputy chief position shall be an exempt rank immediately

1 below that of Chief. The deputy chief may be appointed from
2 any rank of sworn, full-time officers of the municipality's
3 police department, but must have at least 5 years of
4 full-time service as a police officer in that department. A
5 deputy chief shall serve at the discretion of the Chief and,
6 if removed from the position, shall revert to the rank
7 currently held, without regard as to whether a vacancy exists
8 in that rank. A deputy chief of police, having been appointed
9 from any rank of sworn full-time officers of that
10 municipality's police department, shall be permitted,
11 regardless of rank, to take promotional exams and be promoted
12 to a higher classified rank than he currently holds, without
13 having to resign as deputy chief of police the-rank-held
14 immediately--prior--to--appointment--to--the---deputy---chief
15 position.

16 No municipality having a population less than 1,000,000
17 shall require that any fireman appointed to the lowest rank
18 serve a probationary employment period of longer than one
19 year. The limitation on periods of probationary employment
20 provided in this amendatory Act of 1989 is an exclusive power
21 and function of the State. Pursuant to subsection (h) of
22 Section 6 of Article VII of the Illinois Constitution, a home
23 rule municipality having a population less than 1,000,000
24 must comply with this limitation on periods of probationary
25 employment, which is a denial and limitation of home rule
26 powers. Notwithstanding anything to the contrary in this
27 Section, the probationary employment period limitation shall
28 not apply to a fireman whose position also includes paramedic
29 responsibilities.

30 (Source: P.A. 91-615, eff. 8-19-99.)

31 Section 99. Effective date. This Section and Section 10
32 take effect upon becoming law, and Section 5 takes effect on

1 January 1, 2004.