

AN ACT in relation to municipalities.

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

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

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

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

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

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

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

the council shall constitute a petty offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Act 093-0486  
SB1210 Enrolled

LRB093 05954 MKM 06051 b

January 1, 2004.