

CHAPTER 5

BOARDS AND COMMISSIONS

ARTICLE I – SHERIFF’S DEPARTMENT – MERIT COMMISSION

DIVISION I – ESTABLISHMENT AND ADMINISTRATION

5-1-1 **PURPOSE AND ESTABLISHMENT OF A MERIT COMMISSION.** The St. Clair County Board hereby provides for all deputies, other than special deputies, employed on a full-time basis in the office of the Sheriff to be appointed, promoted, disciplined and discharged pursuant to recognized merit principles of public employment and for such employees to be compensated according to a standard pay plan approved by the St. Clair County Board.

A deputy under this Article defined as such Commissioned Deputy Sheriffs who are engaged in patrol, law enforcement and criminal investigation duties and responsibilities of the St. Clair County Sheriff’s Office.

There is hereby established the St. Clair County Sheriff’s Department Merit Commission.

5-1-2 **TENURE, ELIGIBILITY AND ORGANIZATION.** The Commission shall consist of **five (5) members** appointed for terms of **six (6) years** each, except as hereinafter provided and shall be appointed by the Sheriff with the approval of a majority of the members of the County Board.

No more than **three (3)** of the members appointed shall be from the same political party. No member shall hold a statutory partisan political office.

The members of the Merit Commission shall meet and shall select a Chairman, Vice Chairman and a Secretary from its members who shall serve for a term of **two (2) years** or for the remainder of their term of office as a member of the Commission, whichever is shorter.

Three (3) members of the Merit Commission shall constitute a quorum for the transaction of business.

Meetings of the Merit Commission shall be held upon call of the Chairman or upon the call of any **three (3)** of the members.

The Merit Commission shall keep and maintain a record of its meetings and the business conducted therein.

5-1-3 **COMMISSION AUTHORITY AND RESPONSIBILITY.** The Merit Commission shall have the authority and responsibility to promulgate rules, regulations and procedures for the operation of the Merit System and shall administer the Merit System.

All rules and regulations shall be submitted to and be approved by the County Board before becoming effective.

5-1-4 **COMPENSATION AND EXPENSES.** The members of the Merit Commission shall receive such compensation for their services and reimbursement for expenses incurred as provided. **(See 55 ILCS Sec. 5/3-8006)**

The annual appropriation of the County of St. Clair, which is subject to the approval of the County Board, shall hereinafter determine and provide for such sum or sums of money to be expended for per diem compensation for members of the Commission and shall also provide for such sums of money necessary for reimbursement of reasonable and necessary expenses.

5-1-5 **STAFF ASSISTANTS.** The Merit Commission is authorized to employ such technical, secretarial and clerical assistants as may be necessary to transact its business and to fix their compensation and reimbursement for expenses incurred, subject to approval of the County Board through the annual appropriation.

5-1-6 **APPEAL.** The provisions of **735 ILCS Sec. 5/3-101** and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of any order of the Merit Commission.

5-1-7 **VACANCIES.** Future vacancies on the Commission shall be filled in accordance with **55 ILCS Sec. 5/3-8003. (Ord. No. 87-67; 11-30-87)**

5-1-8 - 5-1-11 **RESERVED.**

DIVISION II – APPOINTMENT OF PERSONNEL

5-1-12 **CHIEF DEPUTY AND EXECUTIVE DEPUTY.** The rules, regulations and procedures of the Merit System and Merit Commission shall be applicable to all commissioned Deputy Sheriffs who are engaged in patrol, law enforcement and criminal investigation duties and responsibilities of the Sheriff's Office.

The rules, regulations and procedures shall not be applicable to other personnel of the Sheriff's Office including but not limited to the Chief Deputy Sheriff, Executive Deputy, or Administrative Assistant to the Sheriff.

5-1-13 **ORIGINAL APPOINTMENTS.** Deputy Sheriffs under the incumbent Sheriff, qualifying to come under the Merit System at the time of the adoption and approval of the rules, regulations and procedures herein, shall be appointed for a **six (6) month** probationary period at their then existing rank and thereafter within said **six (6) months** period shall meet the educational, physical, training, aptitude and other requirements set down by the Commission. On meeting said requirements, their respective ranks shall become established under this Merit System.

5-1-14 **APPLICATIONS FOR APPOINTMENT.** All applications for appointment under the Merit System shall be made to the Commission and shall be in writing on the forms to be provided by the Commission.

5-1-15 **STANDARDS FOR APPOINTMENT.** The Sheriff shall appoint as probationary patrolmen, only those persons who have been certified to him in writing by the Merit Commission as being eligible for appointment. Until the following requisites shall be changed, a person certified for appointment must meet the following requirements at the time of appointment in addition to any statutory requirements:

(A) Be not less than **twenty-one (21) years** of age nor have reached his **thirty-sixth (36th) birthday.**

(B) Have a minimum vision of 20/30 in each eye, without corrective lenses.

(C) Be free of color blindness as demonstrated by successfully passing the test known as the H-R-P Pseudo Isochromatic Plates produced by the Instrument Division of the American Optical Company or equivalent test.

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- (D) Not have suffered an amputation to any member of his body which amputation would be compensable under the Illinois Workmen's Compensation Act.
- (E) Have passed such physical examination as the Commission may prescribe.
- (F) Be a high school graduate, or be in possession of a high school equivalency certificate issued by a County Superintendent of Schools or similar official, or a high school diploma issued on the basis of the General Education Development Tests.
- (G) Be proportional as to size and weight and in good physical condition in relation thereto.
- (H) Have passed such screening, aptitude, psychological or other examinations and tests the Commission may require.
- (I) Be acceptable to the Commission on oral interview.
- (J) Be acceptable to the Commission on investigation as to reputation and character.
- (K) Pass a pre-employment polygraph test if requested by the Commission.
- (L) Be able to operate a motor vehicle and have a valid Illinois Driver's License at time of filing application.
- (M) Be a resident of St. Clair County, Illinois.
- (N) Shall not have held an elective partisan political office for **one (1) year** prior to filing of application.

On the applicant's successfully meeting the requirements as hereinabove set forth, the Merit Commission shall so advise him. Thereafter, on receipt of notice from the Sheriff that a vacancy or vacancies exist, the Commission shall conduct oral interviews of applicants in the order of their rank in the testing and examining procedures and shall certify for appointment to the Sheriff no less than **three (3)** applicants for each vacancy to be filled. The Sheriff thereafter shall make all appointments to fill existing vacancies from said certified list; said appointments shall be for a **one (1) year** probationary period.

An applicant certified for appointment who shall decline to accept appointment within **ten (10) days** after it is offered to him by the Sheriff, shall be deemed to have withdrawn his application and shall be stricken from the list of those certified for appointment.

5-1-16 **VETERANS PREFERENCE FOR APPOINTMENT.** Applicants who have been certified for appointment who have served in the military service of the United States and have filed with the Commission a sworn or certified copy of their certificate of honorable service shall receive a numerical rank on the certification list above all other applicants who shall have received the same rating.

5-1-17 **LATERAL ENTRY APPOINTMENTS.** Individuals who may not fulfill all requirements as set out under **Section 5-1-15** herein may, on a selective basis, file an application for appointment to any position or rank now existing or hereafter created under the Merit System. Upon a unanimous finding made by the Commission that the best interests of the Citizens of St. Clair County, the Sheriff's Department and recognized merit principles of public employment will best be served by waiving such requirements, the lateral entry into the Merit System of such applicant shall be certified and approved by the Commission.

5-1-18 **CLASSIFICATION OF MERIT SYSTEM PERSONNEL.** The classification of personnel under the Merit System shall be:

- (A) Probationary Patrolman

- (B) Patrolman
- (C) Probationary Sergeant
- (D) Sergeant
- (E) Probationary Lieutenant
- (F) Lieutenant
- (G) Probationary Correction Officer
- (H) Correction Officer
- (I) Probationary Correction Sergeant
- (J) Correction Sergeant
- (K) Probationary Correction Lieutenant
- (L) Correction Lieutenant

A pay plan for the above Sheriff's Department personnel shall be developed and submitted to the St. Clair County Board for their consideration. Pay plan changes shall be studied and considered from time to time by this Commission, with recommendations from the Sheriff, and will be effective on approval by the St. Clair County Board.

5-1-19 **CERTIFICATION FOR PROMOTION.** The following rules and regulations shall govern promotion and the method by which an officer is certified for promotion:

(A) **Probationary Patrolman.** During the probationary period of **one (1) year**, each probationary patrolman shall:

- (1) Serve as directed by and at the pleasure of the Sheriff.
- (2) Attend a basic law enforcement training course as provided under the Illinois Police Training Act at Belleville Area College or other certified training institute or academy.
- (3) Be given quarterly performance ratings by a superior officer.
- (4) Comply with any disciplinary action by the Sheriff which is not subject to review by the Merit Commission during the probationary period.

(B) **Promotion to Patrolman.** On completing the probationary period deputies are eligible for consideration for promotion to patrolman subject to the following:

- (1) Successful completion of the basic law enforcement training course.
- (2) Satisfactory performance rating during the probationary period.
- (3) Interview and certification for promotion by the Merit Commission.

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Promotions thereafter shall be by the Sheriff, limited to the authorized number of patrolmen positions provided for in the Sheriff's current appropriation.

While serving in the rank of a patrolman, an additional **one hundred forty (140) hours** of law enforcement training shall be required, as directed by the Sheriff, in such courses as certified or approved by the Illinois Local Governmental Law Enforcement Officers Training Board.

The performance of each patrolman shall be rated at least annually by his superior or superiors and a copy of such rating shall be furnished to the Merit Commission within **ten (10) days** after the patrolman has had an opportunity to review the rating and sign or initial same.

(C) Promotion to Sergeant. Patrolmen under this Merit System who are not under suspension by order of the Commission or who are not on inactive duty due to disability shall be eligible for promotion to the rank of Sergeant after serving **two (2) years** as a patrolman. The Commission shall give written notice to patrolmen eligible for promotion when establishing the list of patrolmen to be certified for promotion.

The procedure for establishing the list of patrolmen to be certified for promotion includes:

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- (1) A formal application for promotion provided by the Commission to be filed by all candidates.
- (2) Aforementioned **one hundred forty (140) hours** of training successfully completed by all candidates.
- (3) Written examination and oral interview on request to be conducted by the Commission.
- (4) Computation of promotional grades as follows:
 - (a) Written Examination 50%
 - (b) Oral Interview 20%
 - (c) Performance Rating Grade 25%
 - (d) ½ of 1% for each year of services as a deputy under this Merit System with a maximum of 05%
- (5) Patrolmen ranked according to their promotional grades by the Commission.
 - (a) The Commission shall thereafter submit to the Sheriff a list of patrolmen certified for promotion for a probationary period of **one (1) year**; said list shall be **three (3) times** the number of Sergeant ranks to be filled.
 - (b) Promotions shall be made by the Sheriff from the Certification List.
 - (c) As promotions are made the next highest ranked person on the list becomes eligible for promotion. A person on the Certification List may waive an offer of promotion without losing his/her position on said list; in the event of such waiver, the list highest man moves up to provide the necessary number on the certifications.
- (6) The Certification List shall be kept in force until the next written examination is given or the list is exhausted or the Merit Commission officially terminates the list.
- (7) The applicant shall be advised of his promotional grade.

- (8) The Certification List shall be prominently posted in the Sheriff's Department facilities.

(D) **Promotion to Lieutenant.** Sergeants under this Merit System who are not under suspension by order of the Commission or who are not on inactive duty due to disability shall be eligible for promotion to the rank of Lieutenant after serving **one (1) year** as a Sergeant. The Commission shall give written notice to Sergeants eligible for promotion when establishing the list of Sergeants to be certified for promotion.

The procedure for establishing the list of Sergeants to be certified for promotion includes:

- (1) A formal application for promotion provided by the Commission filed by all candidates.
- (2) Successful completion of advanced or specialized training courses required by the Sheriff and Commission.
- (3) Written examination and appearance for oral interview and examination conducted by the Commission.
- (4) Acceptable physical condition for all candidates certified by a qualified medical doctor.

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- (5) Computation of promotional grades as follows:
- | | | |
|-----|---|-----|
| (a) | Written Examination Results | 40% |
| (b) | Oral Interview or Examination | 40% |
| (c) | Performance Rating Grade | 15% |
| (d) | ½ of 1% for each year of service as a deputy
under this Merit System with a maximum of | 05% |
- (6) Sergeants ranked according to their promotional grades by the Commission.
- (a) The Commission shall thereafter submit to the Sheriff a list of Sergeants certified for promotion for a probationary period of **six (6) months**.
- (b) Promotion shall be made by the Sheriff from the Certification List.
- (c) As promotions are made, the next highest ranked man on the list becomes eligible for promotion
- (7) The Certification List be kept in force until the next written examination is given or the list is exhausted or the Merit Commission officially terminates the list.
- (8) The applicant shall be advised of his promotional grade.
- (9) The Certification List shall be prominently posted in the Sheriff's Department facilities.

5-1-20 RESERVED.

DIVISION III – DISCIPLINARY MEASURES

5-1-21 BY SHERIFF.

(A) The Sheriff may dismiss or take other disciplinary measures against a probationary patrolman without filing charges with the Commission. The Sheriff shall furnish the Commission a written report of any dismissal or disciplinary action against a probationary patrolman.

(B) The Sheriff, without filing charges with the Commission, (i) may reprimand a person in writing; (ii) may reprimand a person in writing; (iii) may suspend without pay for any

reasonable period not to exceed a total of **thirty (30) days** within a **twelve (12) month** period, a person under this Merit System for infraction of the rules and regulations contained herein. The reasons for such action shall be reported to the Commission in writing within **five (5) days** of the suspension.

(C) The Sheriff may suspend without pay any person under this Merit System for a period in addition to the aforesaid **thirty (30) day** period, only after the Sheriff has filed charges against said person with the Commission and pending the decision of the Commission on those charges.

(D) No other disciplinary measures shall be taken by the Sheriff, except by order of the Commission.

5-1-22 **BY COMMISSION.** The Commission shall make a finding of guilty after notice and hearing upon written charges as herein provided, it may order any **one (1)** or more of the following disciplinary measures which, in the opinion of the Commission, the offense merits.

(A) Retention of a probationary status for a period not to exceed **six (6) months** in existing or reduced rank.

(B) Reduce in rank.

(C) Suspend, without pay, for a period not to exceed a total of **one hundred eighty (180) days** in any **twelve (12) month** period.

(D) Discharge and order removed from the Sheriff's Department Merit System.

DIVISION IV – DISCIPLINARY PROCEDURES

5-1-23 FILING OF CHARGES. In all cases where the Sheriff desires to discipline a person under the Sheriff's Department Merit System beyond the powers given him under **Division III, Section 5-1-21**, he shall file with the Commission, a written complaint in triplicate, setting forth a plain and concise statement of the facts upon which the complaint is based. The Commission will not consider any complaint based upon conduct with antedates **three (3) years** of the date complaint is filed.

5-1-24 NOTICE OF HEARING. On receipt of a complaint from the Sheriff, the Commission shall send a letter enclosing a copy of the complaint to the person who is the subject to the complaint. The letter shall be sent by registered or certified mail, return receipt requested, to the residence address of said person, and delivery of the letter as shown by the return receipt shall constitute service of the complaint. Personal services may be made if necessary. The letter shall advise of the filing of the complaint and set forth the date, time, place of a hearing on the charges in the complaint.

A copy of said letter shall be mailed or personally delivered to the Sheriff and shall constitute notice to him of the date, time and place of the hearing on the complaint.

5-1-25 HEARINGS.

(A) All hearings shall be public.

(B) At the time and place of hearing, the Sheriff and the person who is the subject of the complaint may be represented by counsel if they desire.

(C) All proceedings of the hearing before the Commission shall be recorded by a reporter provided by the Commission or by other means provided by the Commission.

(D) The record of all hearings will not be transcribed unless requested by the Commission or any party in interest. The cost of the transcript shall be borne by the person requesting it.

(E) All witnesses shall be sworn by the Commission Chairman or other Commission members prior to testifying.

(F) The Commission will first hear the witnesses substantiating the charges which have been made against the person. Thereafter, said person against whom charges have been filed may present the witnesses whom he desires the Commission to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party. The Commission shall have the right to examine and to recall witnesses.

(G) The findings of the Commission shall be decided on evidence presented at the hearing.

5-1-26 **SUBPOENAS.** The Sheriff and the person who is the subject of the complaint, or their counsel, at any time before the hearing, may make application to the Commission for subpoenas directed to specific persons requiring their appearance at the hearing, and, if necessary, requiring them to produce at the hearing, books, papers, records and such other things as may be

relevant to the hearing. The application shall specify the names and addresses of the persons to be subpoenaed and the documents and things which they are to be required to produce. Subpoenas will not be issued for anyone residing outside the State of Illinois.

Subpoenas issued by the Commission may be served by any adult person designated by the Commission, or by the Sheriff's Department.

Any request for continuance by reason of inability to serve subpoenas shall be filed with the Commission at least **two (2) days** before the date set for the hearing; however, the Commission may waive this rule.

5-1-27 **PROOF OF SERVICE OF PAPERS.** All papers required under **Division IV** of these Rules and Regulations to be served shall be delivered personally to the party designated or mailed by U.S. Mail, in an envelope properly addressed, with postage prepaid, to the designated party at his last known residence address. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering same for the designated party personally or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party. Service on the Sheriff may be made in a similar manner.

5-1-28 **FILING OF PAPERS.** All papers may be filed with the Commission by mailing them or personally delivering them to the Sheriff's Department Merit Commission Office at Belleville, Illinois, or to the Commission staff. For purpose of the rules, regulations and procedures hereinafter set forth, for filing date of any paper shall be the date it was received in the Commission Office.

5-1-29 **FORM OF PAPERS.**

(A) All papers filed in any proceeding shall be typewritten or printed legibly and shall be on **one (1) side** of the paper only.

(B) If typewritten, the lines shall be double-spaced, except that long quotations may be single spaced and indented.

(C) All papers shall not be larger than **eight and one-half (8½) inches** wide by **eleven (11) inches** long and shall have inside margins of not less than **one (1) inch**.

(D) The original of all papers filed shall be signed in ink by the party filing the paper or by his counsel, including the address and telephone number of such party.

5-1-30 CONTINUANCES. No hearing shall be continued at the request of any of the parties, to the proceedings or their attorneys unless such request is made and received in writing by the Commission or its staff at least **two (2) days** before the scheduled hearing date.

5-1-31 COMPUTATION OF TIME. The time within which any act under these rules, regulations and procedures is to be done shall be computed by excluding the **first (1st) day** and including the last, unless the last day is Saturday, Sunday or a holiday as defined or fixed in any statute, now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

5-1-32 **DECISION OF THE COMMISSION.** After the hearing, the Commission shall make its findings and determine its order and shall mail to the party charged by registered or certified mail, return receipt requested, a notice of the finding and order of the Commission. A copy of the finding and order shall be mailed to the Sheriff. The Commission may, at its discretion, order reinstatement with partial or full back pay.

5-1-33 **RESERVED.**

DIVISION V – MISCELLANEOUS PERSONNEL MATTERS

5-1-34 **LEAVE OF ABSENCE.** Leave of absence without pay may be granted personnel under the Sheriff's Department Merit System. The leave of absence shall be from the rank he holds at the time permission is granted. Upon termination of the leave, the person shall be returned to the same rank he held at the time leave was granted. Such leave may be granted whether the person has or has not completed his probationary period.

All leaves of absence, except for military service shall be for **one (1) year** or less, with privilege of obtaining a new leave at the expiration of the first leave. Leaves of absence shall be granted by the Sheriff, with approval of the Commission. An employee on leave of absence who accepts a position other than that for which leave was granted, without prior approval of the Sheriff and the Commission, shall be deemed to have resigned. A person who fails to return to his position or to request and be granted a new leave of absence on or before the expiration of his first leave shall also be deemed to have resigned.

Leave of absence without pay may be granted for the following reasons:

- (A) Illness of the person requesting the leave of absence properly certified by a physician. However, the Commission may request said person to submit to a physical examination by a physician of the Commission's choice.
- (B) Active duty in the military service of the United States.
- (C) Training in an institution of higher learning.
- (D) Other reasons acceptable to the Sheriff and the Commission.

5-1-35 RESIGNATIONS, REINSTATEMENTS AND RETIREMENT. Any member who resigns from a position under this Merit System for any reason will not be reinstated.

Should a former Sheriff's Department Merit System employee desire to re-affiliate himself with the Department and come under the Merit System, he must meet the basic requirements for eligibility for appointment under the Merit System, as provided under **Division II** herein.

All personnel under this Merit System shall be compelled to retire at age **sixty-five (65)**.

5-1-36 POLITICAL ACTIVITY. Personnel under the Sheriff's Department Merit System shall not engage in the activities of any political party or of any candidate for public office or for nomination therefor, not participate in the political campaign for the nomination or election of any candidate for public office.

Personnel under this Merit System, by leave of the Merit Commission, may seek and occupy positions on non-partisan boards, districts and commissions, including, but not limited to school boards, library boards, park boards or districts, water, drainage or sewer districts, planning commissions, law enforcement commissions, etc.

Nothing contained herein shall be deemed to interfere with the right of any person to vote for any candidate and upon any issue as his reason and conscience may dictate or to encourage other citizens to vote in accordance with the above principle.

5-1-37 **OUTSIDE EMPLOYMENT.** Personnel of the Sheriff's Department Merit System may hold outside employment approved by the Sheriff and the Commission upon filing of a sworn statement describing such employment, the place of employment, and the employer. Such outside employment shall not be in excess of **twenty (20) hours** per week.

5-1-38 - 5-1-40 **RESERVED.**

DIVISION VI – RULES OF CONDUCT

5-1-41 **REGULATIONS.** Personnel of the Sheriff's Department Merit Commission who shall be guilty of any of the following shall be subject to disciplinary action by the Sheriff and the Merit Commission:

- (A) Violate any law or statute of a State or of the United States.
- (B) Violate any ordinance of the county or municipal government.
- (C) Willfully mistreat any person.
- (D) Violate any of the general order, special orders or rules and regulations of the Department which are not inconsistent with these Rules and Regulations.
- (E) Negligently or carelessly use any weapon.
- (F) Knowingly make a false official report.
- (G) Fail to obey a lawful order.
- (H) Be insubordinate to, or show disrespect for, a superior in the Department.
- (I) Mistreat a junior member of the Department.
- (J) Neglect to perform his duties or perform his duties with inefficiency or incapacity.
- (K) Engage in any conduct unbecoming to a member of the Department or which tends to reflect discredit on the Department.
- (L) Leave his post of duty without permission or without being properly relieved.
- (M) Be absent from duty without leave or appropriate permission.

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- (N) Willfully destroy or damage any property of the Department.
- (O) Use property of the Department without authority.
- (P) Receive, solicit or attempt to solicit money or anything of value for performing or failing to perform any police duty.
- (Q) Solicit business, clients or customers for any business establishment or professional person.
- (R) Drink any kind of intoxicating liquor while on duty or while in uniform, except when such action is required and properly authorized in the performance of assigned duties.
- (S) Use any habit forming drug or narcotics, except of the direction of a physician.
- (T) Associate with persons having known criminal records or connections, except when such action is required and properly authorized in the performance of assigned duties.
- (U) Frequent any establishment of unsavory reputation or owned or operated by any person having a known criminal record or connections, except when such action is required or properly authorized in the performance of assigned duties.

(V) Disseminate or release any information concerning essential police matters except when properly authorized to do so.

(W) Use a county vehicle without the knowledge or permission of his superior.

(X) Improperly operate a county vehicle or permit an unauthorized person to operate a county vehicle.

(Y) Fail to show respect to the flag of the United States of America or respect for the National Anthem.

(Z) Do any other act or omission contrary to good order and discipline of the Department. (Ord. No. 19; 11-29-71)

5-1-42 - 5-1-50 RESERVED.

ARTICLE II – MENTAL HEALTH BOARD

5-2-1 ESTABLISHED. A community Mental Health Board is hereby established in accordance with statute and shall be known as the **St. Clair County Community Mental Health Board**, hereinafter referred to as the Board.

5-2-2 COMPOSITION. The Board shall consist of **nine (9) members** appointed by the Chairman of the County Board, with the advice and consent of the County Board. The Board shall, as nearly as possible, be representative of interested groups of the community such as local health department, medical societies, local welfare boards, hospital boards, school boards, and lay associations concerned with mental health or mental retardation, as well as labor, business and civic groups or the general public.

5-2-3 TERM OF OFFICE. The term of office of each member of the Board shall be for **four (4) years**. All terms shall be measured from the first day of the year of appointment. Vacancies shall be filled for the unexpired time in a similar manner as original appointments.

5-2-4 POWERS AND DUTIES. The Board in consultation with and being advised by the Department of Mental Health, shall have the power to construct, repair, operate, maintain,

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and regulate community mental health facilities to provide mental health services, including services for the mentally retarded, for residents of St. Clair County and/or to contract therefor with any private or public entity which provided such facilities and services.

The Board shall have the power to:

- (A) Review and evaluate community mental health services and facilities.
- (B) Submit to the appointing officer and governing body a program of community mental health services and facilities.
- (C) Within amounts appropriated therefor, execute such program and maintain such services and facilities as may be authorized under such appropriations, including amounts appropriated under bond issues, if any.
- (D) Enter into contracts for rendition or operation of services and facilities on a per-capita basis or otherwise.
- (E) Arrange for the rendition of services and operation of facilities by other agencies of the governmental unit or county in which the governmental unit is located with the approval of the governing body.

(F) Make rules and regulations concerning the rendition or operation of services of facilities under its direction and supervision.

(G) Employ such personnel as may be necessary to carry out the purposes of an act relating to community health facilities and services and prescribe the duties of such personnel.

(H) To perform such other acts as may be necessary or proper to carry out the purposes of the acts consistent with the regulations of the Director of the Department of Mental Health.

5-2-5 **ANNUAL BUDGET AND REPORT.** The Board shall annually prepare and submit to the appointing officer and governing board:

(A) An annual budget showing the estimated receipts and intended disbursements pursuant to this Article, for the fiscal year immediately following the date the budget is submitted, which date must be at least **thirty (30) days** prior to the fiscal year.

(B) An annual report detailing the income received and disbursements made pursuant to this Article during the fiscal year, just preceding the date the annual report is submitted, which date must be within **thirty (30) days** of the close of the fiscal year.

(C) The annual report must be published within **thirty (30) days** from the date it is submitted and approved and the budget and report shall be made available for public inspection.

5-2-6 **TAX LEVY – COMMUNITY MENTAL HEALTH FUND – USE OF FUNDS.** In order to supply the necessary funds to or supplement existing funds for such community mental health facilities and services, including facilities and services for the mentally retarded, the Board of Supervisors may levy an annual tax of not to exceed **one percent (1%)** upon all taxable property in St. Clair County. Such tax, when collected, shall be paid into a special fund in the St. Clair County Treasury to be designated as the “Community Mental Health Fund”. Said funds shall be used only for purposes specified in this Article and pursuant to the provision of the Community Mental Health Act.

5-2-7 **COORDINATION.** In order to provide the broadcast possible mental health program within St. Clair County, Illinois, the Board shall work with all outside groups providing such services to help coordinate all programs and increase the services available to St. Clair County residents and prevent duplicating of programs, except where necessary.

5-2-8 **MEETINGS.** The Board shall prescribe the time and places of the regular scheduled Board meetings and the manner in which special Board meetings may be called. It shall sit with open doors and shall keep a journal of its own proceedings which shall be made available for public inspection.

5-2-9 **EXPENSES OF BOARD MEMBERS – PAYMENT.** The expenses incurred by the Board in the performance of duties imposed upon it or its members shall be paid out of the Community Mental Health Fund.

5-2-10 **REMOVAL.** Any member of the Board may be removed by the appointing officer for neglect of duty, misconduct or malfeasance in office after being given a written statement of the charges and an opportunity to be heard thereon. **(Ord. No. 12; 12-02-68)**

ARTICLE III – SOUTHWESTERN ILLINOIS LAW ENFORCEMENT COMMISSION

5-3-1 **LAW ENFORCEMENT COMMISSION.** The Southwestern Illinois Law Enforcement Commission is designated as the agency to perform local and regional comprehensive law enforcement planning services and activities for the County of St. Clair, Illinois.

5-3-2 **APPROPRIATION.** The County Board may, from time to time, appropriate, allocate and direct to be paid to the Southwestern Illinois Law Enforcement Commission certain sums of money as compensation for services and to generally support their continuing efforts for the benefit of the County and the Southwestern Illinois region.

5-3-3 **MEMBERSHIP.** The Chairman of the County Board shall be a member of the policy board of the Southwestern Illinois Law Enforcement Commission and in addition that he appoint the following listed resident citizens from the County of St. Clair, Illinois to be selected from a list of qualified and interested individuals prepared by the aforementioned policy board:

- (A) **One (1) member** of the County Board of unlike political convictions.
- (B) **Two (2) Mayors** from municipalities within the County having full-time organized police departments.
- (C) **One (1)** other resident citizen of the County of St. Clair, Illinois who is not a minor.

The length of the term and other requirements to be governed by the by-laws adopted and approved by the aforementioned policy board for the Southwestern Illinois Law Enforcement Commission.

5-3-4 - 5-3-5 **RESERVED.**

ARTICLE IV – PUBLIC BUILDING COMMISSION

5-4-1 **PURPOSE.** The construction, acquisition or enlargement of certain public buildings or building as may be found to be necessary is hereby declared to be a public need essential to the public interest.

5-4-2 **ESTABLISHED.** A "Public Building Commission" is hereby organized to exercise the powers and authorities prescribed by the "Public Building Commission Act" of Illinois and that such Public Building Commission shall be hereafter known as "**The St. Clair County Public Building Commission**". (See 55 ILCS Sec. 5/5-1105)

5-4-3 **COUNTY CHAIRMAN; IMPLEMENTATION.** The presiding Chairman of the County Board of St. Clair County, Illinois is hereby empowered and authorized to take such other and further action as he is empowered and authorized to do by the "Public Building Commission Act"; to implement this resolution and to bring such Public Building Commission into being and invest it with the authority as provided by the Public Building Commission Act. (Addendum "A": Public Building Commission's Regulations and Procedures) (See 70 ILCS Sec. 1705/31 to 1710/4)

ARTICLE V – PLANNING COMMISSION

5-5-1 **SHORT TITLE.** This Article shall be known as “The St. Clair County Regional Planning Commission’s Resolution”.

5-5-2 **PURPOSE.** The purpose is to create a Planning Commission whose principle duty it shall be to prepare a plan for the consideration and approval of the County Board.

5-5-3 **CREATION DUTIES.** There is hereby created the St. Clair County Regional Planning Commission, hereinafter referred to as “The Planning Commission”.

(A) Make such investigations and gather such statistics as it shall deem necessary for the making of the plan. Immediate attention should be given to those parts of the County experiencing or having the greatest potential for growth.

(B) Make or direct the making of a plan (must be updated at least once every **ten (10) years**) for the County of St. Clair which shall be advisory only and shall be designed to:

(C) Provide for the present and future needs of the County; and

(D) Guide and accomplish a coordinated and harmonious development of the County and of public improvements and utilities therein; and

(E) Promote the health, safety, morals, order, convenience, prosperity, efficiency, economy, and general welfare of the County.

(F) Recommend the plan to the County Board for its consideration and possible adoption. The Official Plan should include the following:

(1) A statement of Goals and Objectives which describes the kind of county desired and feasible to obtain;

(2) A Land Use Plan showing the amount and location of land areas needed or desired and practicable to obtain and protect for residential, commercial, industrial and public purposes;

(3) A Transportation Plan of routes, facilities and terminals that will be needed for moving people and goods by streets and highways, railroads, airways, waterways and pipe lines;

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- (4) A County Facilities Plan showing present and proposed future locations of water supply, storage and distribution facilities, utilities, sanitary sewers and treatment plants, storm and flood water sewers, surface channels and storage basins, fire and police stations, county offices and equipment yards, refuse disposal sites, schools, forest preserves and other public and semi-public sites and facilities;
- (5) A Capital Improvement Plan listing project items of the plan, approximate cost estimates of each, and sources of public funds for financing.

(G) Encourage the cooperation of the political subdivisions within the County toward coordination of municipal, county, metropolitan, state and other special district government plans. The Commission is authorized to establish (time-limited) local advisory boards when such will aid and facilitate the planning process.

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5-5-4 **APPOINTMENT; MEMBERSHIP; TERMS.** To be eligible for appointment to the Commission a person shall be qualified voter of the County and shall have been a resident thereof for at least **one (1) year**. The Chairman of the County Board shall appoint as members of the Commission, subject to the approval of the County Board, the following persons:

(A) **County Board Members.** **One (1) member** of the St. Clair County Board (Chairman of Environment Committee) who shall serve without salary and whose appointment shall be eligible for reappointment and shall serve until their successors have been appointed and shall have qualified.

(B) **Citizens Members.** **Six (6) citizens** who shall serve without salary and whose initial appointments shall be **two (2)** for **one (1) year**, **two (2)** for **two (2) years** and **two (2)** for **three (3) years**. All subsequent appointments shall be for a term of **three (3) years**. Citizen members shall serve until their successors have been appointed and shall have qualified. At the time of appointment, **four (4) citizen members** shall reside in the unincorporated area of the County and **two (2) citizen members** shall reside within the limits of a municipality.

5-5-5 **EX-OFFICIO MEMBERS.** The following elective or appointed officials or their duly authorized representatives shall be ex-officio members and shall serve without salary. Ex-officio members shall serve for **one (1) year**, be eligible for reappointment, but shall have no vote:

- (A) County Superintendent of Highways.
- (B) Director of Mapping and Platting.
- (C) Director of Emergency Services.
- (D) Chairman of Zoning Board.
- (E) Director of Public Health.
- (F) County Superintendent of Schools.
- (G) Director of Intergovernmental Grants.

5-5-6 **VACANCIES AND REMOVAL.** Appointments to fill a vacancy shall be made in the same manner as original appointments and shall be for the remainder of the unexpired term. Any member of the Commission, other than the County Board member, may be removed for just cause by a **two-thirds (2/3) vote** of the County Board.

5-5-7 **ORGANIZATION AND BY-LAWS.**

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(A) **Organization.** As soon as possible after the initial appointment of members, the Commission shall conduct an election of a Chairman, Vice Chairman, and such other officers as it deems necessary. Such officers shall hold office for a term of **one (1) year** and may succeed themselves.

(B) **By-Laws.** The Commission shall adopt by-laws to govern its business operations and procedures in any manner not inconsistent with this Article and the State statutes. The adoption and amendment of by-laws shall be by a majority vote of all members of the Commission; provided, however, that every member of the Commission shall be furnished a copy of such proposed by-laws and amendments at least **ten (10) days** before consideration for adoption.

5-5-8 **FUNDS.** The Commission shall have and may expend such funds as shall be appropriated from time to time by the County Board and no expenditures of the Commission shall be an obligation of the County unless the same are made from funds so appropriated by the County Board. The Commission will keep all financial transactions on the designated County Financial System.

5-5-9 **PLANNING RECORDS – ANNUAL REPORT.**

(A) The Commission shall keep a written record of its actions which record shall be subject to the Freedom of Information Act. Monthly activity reports shall be submitted to the County Board.

(B) The Commission shall submit to the County Board an annual written report. The Annual Report should include a summary of actions of the Commission during the past calendar year and projected actions for the coming year.

(See 55 ILCS Sec. 5/3-3001 and 5/3-3007)

ARTICLE VI – ELECTRICAL

DIVISION I – ELECTRICAL COMMISSION

5-6-1 **ELECTRICAL COMMISSION.** The Electrical Commission shall consist of the Electrical Inspector and **five (5) members** appointed by the County Board Chairman with the advice and consent of the County Board. Of the **five (5) members, one (1)** should be a registered professional engineer, **one (1)** journeyman electrician, **one (1)** representative of an inspection bureau maintained by the Fire Underwriters or a Chief of a Fire Department, serving the County and **one (1)** representative of an electrical supply company. Every effort should be made to enlist the services of the above members from qualified residents of the County. If there is no person residing in the County who is qualified under any **one (1)** of these descriptions, the County Board Chairman may appoint some other person to fill that position. The members shall receive no compensation as members of the Commission.

5-6-2 **POWERS AND DUTIES.** The Electrical Commission shall recommend safe and practical standards and specifications for the installation, alteration and use of electrical equipment designed to meet the necessities and conditions of the County; shall recommend reasonable rules and regulations governing the issuance of permits by the Zoning Department, and shall recommend reasonable fees to be paid for the inspections of all

electrical equipment installed or altered within the County. The standards, specifications, rules, regulations, and fees so recommended shall not become effective until adopted by Ordinance by the County Board. All fees so adopted shall be paid to the County Treasurer. The Electrical Commission may establish and adopt rules, regulations and procedures for the conduct of its activities and affairs which are not inconsistent with the Ordinances of the County or with the laws of the State of Illinois.

5-6-3 **RESERVED.**

DIVISION II – ELECTRICAL BOARD OF APPEALS

5-6-4 **ELECTRICAL BOARD OF APPEALS.** The Electrical Board of Appeals hereinafter referred to as the “Board” shall consist of members of the Electrical Commission as set forth in **Section 5-6-9** excluding the Electrical Inspector or his representative. The Chairman of the Board of Appeals shall be selected by a majority vote of the Board members.

5-6-5 **APPLICATION FOR APPEAL.** The owner of a building or structure or any other person may appeal from a decision of the Electrical Inspector refusing to grant a modification to the provisions of standards and specifications applicable thereto. The Board of Appeals application for appeal may be made when it is claimed that; the true intent of the standards and specifications applicable thereto do not apply, or any equally good or better form of electrical installation can be used.

5-6-6 **NOTICE OF MEETING.** The Board shall meet upon notices of the Chairman within **ten (10) days** of the filing of an appeal or at stated periodic meeting if warranted by the volume of work.

5-6-7 **PUBLIC HEARING.** All hearings shall be public; and the appellant, his representative, the official of the jurisdiction and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard.

5-6-8 **ADJOURNED MEETING.** When **five (5)** qualified members are not present to consider a specific appeal, either the appellant, the Electrical Inspector or their representative may request a postponement of the hearing.

5-6-9 **ACTION OF THE BOARD.** The Board shall affirm, modify or reverse the decision of the Electrical Inspector by a concurring vote of **three (3)** of the members.

5-6-10 **RESOLUTIONS OF THE BOARD.** Every action of the Board shall be by Resolution and certified copies shall be furnished to the appellant and to the Building Official.

5-6-11 **DETERMINING VOTE.** Failure to secure **three (3)** concurring votes shall be deemed a confirmation of the decision of the Electrical Inspector, except that the appellant shall be entitled to further hearing before a full Board if there were not **five (5)** qualified members present when the vote was taken.

5-6-12 **ENFORCEMENT OF DECISION.** The Electrical Inspector shall take immediate action in accordance with the decision of the Board.

5-6-13 **COURT REVIEW.** Any person aggrieved by a decision of the Board of Appeals, whether or not a previous party to the decision, or any officer or official Board of the Jurisdiction, may apply to the appropriate court for a Writ of Certiorari to correct errors of laws in such decisions. Applications for review shall be made to the proper court of jurisdiction within **fifteen (15) days** after the filing of the Board's decision in the office of the Electrical Inspector.