

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on April 5, 2011.

Acting Mayor Gover presided and called the meeting to order at 6:30 p.m.

Acting Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Acting Mayor Tim Gover.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, Tourism Director Angelia Burgett, Information Technology Director Brian Johanpeter, and City Clerk Susan O'Brien.

Acting Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting March 15, bills and payroll for the last half of March, 2011, and payroll for the first payroll in April, 2011.

Bills for the last half of March, 2011

Payroll last half of March and first of April, 2011

	<u>General Fund</u>	
Payroll		\$ 459,013.42
Bills		<u>\$ 175,645.16</u>
	Total	\$ 634,658.58
	<u>Hotel Tax Fund</u>	
Payroll		\$ 3,333.30
Bills		<u>\$ 16,854.37</u>
	Total	\$ 20,187.67
	<u>Capital Project Fund</u>	
Bills		<u>\$ 26,395.07</u>
	Total	\$ 26,395.07
	<u>Insurance &amp; Tort Judgment</u>	
Bills		<u>\$ 24,491.81</u>
	Total	\$ 24,491.81
	<u>Water Fund</u>	
Payroll		\$ 54,058.73
Bills		<u>\$ 62,784.28</u>
	Total	\$ 116,843.01
	<u>Sewer Fund</u>	
Payroll		\$ 69,060.98
Bills		<u>\$ 48,125.90</u>
	Total	\$ 117,186.88
	<u>Motor Fuel Tax Fund</u>	
Bills		<u>\$ 436.68</u>
	Total	\$ 436.68
	<u>Health Insurance</u>	
Bills		<u>\$ 110,277.47</u>
	Total	\$ 110,277.47

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

**PRESENTATIONS, PETITIONS & COMMUNICATIONS**

Acting Mayor Gover opened the floor for public discussion with no responders.

**Public Hearing – Budget 2011/2012**

Acting Mayor Gover opened the public hearing for the City’s FY2011/2012 Budget at 6:33 p.m. in the City Hall Council Chambers. City Administrator Sue McLaughlin conducted the budget hearing and reviewed the letter of transmittal, general fund revenues, departmental budgets including five-year history, MEF fund, capital projects fund, enterprise funds, and water fund deficit. Administrator McLaughlin noted while the general fund has a positive balance, with uncertain (State-provided revenues, union contracts, etc.) variables the balance could change. The floor was opened for questions. Mr. Herb Meeker of the Mattoon Journal Gazette, Commissioner Ervin, Commissioner Rankin, Commissioner Hall, and citizen Jean Rich inquired about various aspects of the budget with Administrator McLaughlin, Attorney & Treasurer Owen, and Acting Mayor Gover responding. With no additional questions or comments Acting Mayor Gover closed the public hearing at 7:10 p.m.

Acting Mayor Gover opened the floor for Mr. Don Yost to address the Council on behalf of the Coles Centre Hospitality Group regarding the Mattoon Hotel Convention Center Project. Mr. Yost presented the Council with the background of the project, update of the restructured \$15 million project; discussed Phase 1 and Phase 2, estimated 150 construction jobs with 200 hospitality and industry jobs; and requested the Council to support the project and 12-year redevelopment agreement. Acting Mayor Gover opened the floor for questions. Commissioner Rankin questioned Mr. Yost and stated his opposition to the project. Tourism Director Angelia Burgett inquired as to the number of rooms with Mr. Yost stating 104 new rooms in the first phase and over 80 rooms in the second phase. Commissioners Hall and Ervin expressed their opinions on the potential for economic growth.

**NEW BUSINESS:**

Acting Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance 2011-5317, approving a Redevelopment Agreement with Coles Centre Hospitality Group, and authorizing certain actions by City officials.

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**CITY OF MATTOON, ILLINOIS  
ORDINANCE NO. 2011-5317**

**AN ORDINANCE APPROVING A REDEVELOPMENT  
AGREEMENT BETWEEN THE CITY OF MATTOON, ILLINOIS  
AND COLES CENTRE HOSPITALITY L.L.C. AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS.**

**WHEREAS**, pursuant to the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.*, as amended (the “TIF Act”), the City Council on December 5, 2006 (1) approved a plan entitled “Tax Increment Financing Redevelopment Project and Plan – I-57 East Redevelopment Project Area” (the “Redevelopment Plan”), (2) designated certain real property located in the City as the I-57 East Redevelopment Project Area, which includes land currently under a purchase contract held by Coles Centre Hospitality L.L.C., and (3) adopted tax increment financing for the I-57 East Redevelopment Project Area; and

**WHEREAS**, pursuant to the Business District Development and Redevelopment Act, 65 ILCS 5/11-74.3 *et seq.*, as amended (the “Business District Act”), the City Council on December 4, 2007 (1) approved a plan entitled “Business District Plan – Broadway East Business District” (the “Business District Plan”), (2) designated certain real property located in the City as a business district (the “Business District”), which includes land currently under a purchase contract held by Coles Centre Hospitality L.L.C., and (3) authorized the imposition of certain additional sales taxes within the Business District; and

**WHEREAS**, in response to a solicitation of proposals by the City for redevelopment of certain property that includes the land currently under a purchase contract held by Coles Centre Hospitality L.L.C. (the “Redevelopment Area”), Coles Centre Hospitality L.L.C. (the “Developer”) submitted a proposal (the “Redevelopment Proposal”) for redevelopment of the Redevelopment Area; and

**WHEREAS**, pursuant to the TIF Act and the Business District Act the City is authorized to enter into a

redevelopment agreement (the "Redevelopment Agreement") with the Developer setting forth the respective rights and obligations of the City and the Developer with regard to the redevelopment of the Redevelopment Area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, AS FOLLOWS:**

**Section 1.** The City Council hereby ratifies and confirms its approval of the Redevelopment Plan, the Business District Plan and the redevelopment project described in the Redevelopment Proposal (the "Redevelopment Project") and its findings in connection therewith. The City Council finds and determines that it is necessary and desirable to enter into an agreement with the Developer to implement the Redevelopment Plan, the Business District Plan and the Redevelopment Project and to enable the Developer to carry out the Redevelopment Proposal.

**Section 2.** The Mayor is hereby authorized and directed to execute, on behalf of the City, and the City Clerk is hereby authorized and directed to attest, and affix the seal of the City to, the Redevelopment Agreement (attached hereto as **Exhibit A**). The Redevelopment Agreement, in substantially the form attached hereto, is hereby approved by the City Council, with such changes therein as shall be approved by the officers of the City executing the same.

**Section 3.** The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

**Section 4.** The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 5.** This Ordinance shall be in full force and effect from and after the date of its passage and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Acting Mayor Gover, seconded by Commissioner Hall, adopted this 5<sup>th</sup> day of April, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,

Acting Mayor Gover

NAYS (Names): Commissioner Rankin

ABSENT (Names): None

Approved this 5<sup>th</sup> day of April, 2011.

/s/ Tim Gover

Tim Gover, Acting Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 12, 2011.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Acting Mayor Gover.

Acting Mayor Gover seconded by Commissioner Ervin moved to adopt Special Ordinance 2011-1430, declaring six weapons surplus, and authorizing the sale by the Police Chief.

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2011-1430**

**A SPECIAL ORDINANCE DECLARING SIX WEAPONS SURPLUS AND AUTHORIZING ITS SALE BY THE  
POLICE CHIEF**

**WHEREAS**, the City of Mattoon currently owns six (6) Defense Technology 40mm launcher plus carrying case that are surplus to the needs of the Mattoon Police Department.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** One 40 mm launcher, serial # D34158; One 40 mm launcher, serial # D34162;  
One 40 mm launcher, serial # D34159; One 40 mm launcher, serial # D34160;  
One 40 mm launcher, serial # D34161; One 40 mm launcher, serial # D34157;

all hereby be declared surplus to the needs of the City of Mattoon.

**Section 2.** The Police Chief is hereby authorized to dispose of said weapons to the venue of his choice and to administratively sell and convey the weapons that are the subject of this ordinance without further formal consideration or approval by the City Council. These weapons will be sold "as is" with no warranty expressed or implied.

**Section 3.** The Mayor and City Clerk are authorized and directed to execute any documents necessary to affect the sale of these weapons.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Acting Mayor Gover, seconded by Commissioner Ervin, adopted this 5<sup>th</sup> day of April, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,  
Commissioner Rankin, Acting Mayor Gover  
NAYS (Names): None  
ABSENT (Names): None

Approved this 5<sup>th</sup> day of April, 2011.

/s/ Tim Gover  
Tim Gover, Acting Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 12, 2011.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Ervin seconded by Commissioner Rankin moved to approve Council Decision Request 2011-1188, approving the employment of Luke Evans as an Engineering Technician in the Public Works Department with an annual salary of \$35,000, effective April 7, 2011.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2011-1189, approving the Amendment to the Professional Engineering Services Contract with Sodemann & Associates for the Lake Paradise Dam Repair Design.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2011-1190, awarding the 2011 Water Treatment Plant chemical bids as follows:

Thatcher Company	Alum	\$0.224/dry pound;
Hawkins, Inc.	Ammonium Sulfate	\$0.38/pound;
Continental Carbonic Products	Carbon Dioxide	\$0.0465/pound;
Polydyne, Inc	Cationic Polymer	\$0.57/pound;
Brenntag Mid-South, Inc.	Chlorine	\$0.235/pound;
Brenntag Mid-South, Inc.	Fluoride	\$0.41/pound;
Carus Corp.	Permanganate	\$0.99/pound;
Hawkins, Inc.	Phosphate Blend	\$0.70/pound;
Envirogreen Chemicals	Powdered Activated Carbon	\$0.6175/pound;

rejecting the bids for the lime; and authorizing the re-bidding of the lime.

Director Barber noted the actual low bidder for phosphate blend provided additional paperwork previously unwilling to provide, so the City could accept the actual low bid of:

Pristine Water Solution	Phosphate Blend	\$0.678/pound;
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Commissioner Rankin seconded by Commissioner Ervin moved to amend the motion to award the Phosphate Blend to Pristine Water Solutions at a rate of \$.0678/pound.

Thatcher Company	Alum	\$0.224/dry pound;
Hawkins, Inc.	Ammonium Sulfate	\$0.38/pound;
Continental Carbonic Products	Carbon Dioxide	\$0.0465/pound;
Polydyne, Inc	Cationic Polymer	\$0.57/pound;
Brenntag Mid-South, Inc.	Chlorine	\$0.235/pound;
Brenntag Mid-South, Inc.	Fluoride	\$0.41/pound;
Carus Corp.	Permanganate	\$0.99/pound;
<del>Hawkins, Inc.</del>	<del>Phosphate Blend</del>	<del>\$0.70/pound;</del>
Pristine Water Solution	Phosphate Blend	\$0.678/pound;
Envirogreen Chemicals	Powdered Activated Carbon	\$0.6175/pound;

rejecting the bids for the lime; and authorizing the re-bidding of the lime.

Acting Mayor Gover declared the motion to amend CDR 2011-1190 carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Rankin seconded by Commissioner Hall moved to approve the amended Council Decision Request 2011-1190.

Acting Mayor Gover declared the motion to approve CDR 2011-1190 as amended carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Acting Mayor Gover seconded by Commissioner Rankin moved to approve Council Decision Request 2011-1191, approving the Fund Balance Policy and Fiscal-Budgetary policies submitted by the City Administrator dated March 31, 2011.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Acting Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance 2011-5318, amending the Mattoon Code of Ordinances to update the purchasing policies and procedures.

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**CITY OF MATTOON, ILLINOIS  
ORDINANCE NO. 2011-5318**

**AN ORDINANCE AMENDING THE MATTOON CODE OF ORDINANCES TO UPDATE THE PURCHASING  
POLICIES & PROCEDURES**

**WHEREAS**, the City of Mattoon currently has ordinances that deal with bidding, purchasing and procurement within the City; and

**WHEREAS**, the City wishes to update those provisions.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Amendments.** Sections 35.15 through and including Section 35.22 of Chapter 35 of the Code of Ordinances of the City of Mattoon are hereby repealed. Section 35.15 through and including Section 35.28 of Chapter 35 is reenacted as follows:

**PURCHASING POLICIES & PROCEDURES**

**§35.15 PURPOSE**

The purpose of these procedures is to provide direction to the operating departments in the procurement of goods. When necessary, these procedures will be revised consistent with current policies and procedures affecting purchasing and contracting. All personnel will use the procedures so that optimum efficiency can be obtained in acquiring goods and services.

**§35.16 POLICIES**

The purchasing standards and procedures set forth herein are designed to:

1. Attain maximum economy in municipal operations to the ultimate advantage of local taxpayers and residents;
2. Provide equal opportunity for qualified vendors to serve City needs;
3. To exercise fiscal control over purchasing through the use of procedures;
4. To obtain supplies, equipment and services for the City at the lowest possible cost;
5. To provide timely and convenient service to our residents.

**§35.17 ETHICS**

Guidelines set forth in Illinois Compiled Statutes, Chapter 65, Section 5/8-9-1 shall apply. No purchases for personal use will be tolerated.

**§35.18 PURCHASE AUTHORITY**

In general, all supplies, materials, equipment and contractual/professional services required for operational efficiency will have been included in the annual Budget.

Purchase of same as required during the fiscal year shall proceed in accordance with these procedures upon approval of the annual Budget by the City Council.

Department Directors may authorize purchases, as identified in the operating budget, up to \$9,999.99. The City Administrator, or his/her designee, must approve all purchases in excess of \$10,000. Purchases in excess of \$20,000 require City Council approval.

Each department director of the City shall be responsible for its own department's purchasing needs in strict compliance with the procedures set forth herein.

The City Administrator, or his/her designee, is responsible for determining if an item is budgeted, if adequate funds are available and if the proper purchasing procedures have been followed.

If a budgeted expenditure is to be financed by an anticipated grant, the expenditure shall not be authorized until the grant is actually received or the City Council has authorized an agreement that assures reimbursement.

Contracts for a public improvement or for the maintenance of the public property of the municipality that will exceed \$20,000 may only be authorized by a contract let to the lowest responsible bidder after advertising for bids. The specifications for such contracts shall be formally approved by the City Council before the contract is advertised for bids. The City Council may waive the bidding process when deemed necessary.

Procurements of supplies and services need not be formally advertised for bids, but Departmental Directors shall endeavor to locally shop the procurement, choose from a pre-approved vendor list and assure that the municipality is receiving the best value for its expenditures.

Department Directors may authorize expenditures exceeding individual line item amounts in the approved budget with the prior approval of the City Administrator. A formal budget amendment with City Council approval at a regular or special meeting, at the time of the transaction or by the end of the fiscal year, shall be required in all of the following circumstances:

1. For any deviation that would increase the number of full or part-time positions authorized by the budget;
2. For any deviation from the approved budget that will exceed the "bottom line" established for total departmental expenditures;
3. For any deviation from the approved budget that will transfer money between funds; and,
4. For expenditures valued greater than \$20,000, regardless if the project or program has been authorized in the approved budget.

Procurements shall NOT be broken up into less expensive transactions to avoid the expenditure approval limitations prescribed by this policy.

### **§35.19 ADVERTISING FOR BIDS**

(A) Except as provided in § 35.16, the City Clerk shall advertise procurement contracts for bid at least once in at least one newspaper of general circulation within the municipality. Such notice shall contain a statement of the nature, character and extent of the procurement, referring to specifications on file, at the City Clerk's office, and the time and place of the bid opening.

(B) The right to reject any or all bids received and the right to award the procurement to the bidder determined most advantageous to the municipality shall be contained in the bidding specifications and published with the advertisement for bids.

(C) Bids may be advertised in other forms of vendor communication devoted to such services and/or sent to vendors who have registered for providing services and/or commodities to the municipality at the discretion of Departmental Directors.

(D) Advertising of procurements shall not be required when services and commodities are acquired pursuant to joint purchasing agreements with other entities that advertise and seek competitive bids on behalf the municipality.

### **§35.20 INVOICE PROCESSING**

Generally, the payment process for invoices received shall not be initiated until such time as goods or services are received and accepted by the department initiating the purchase. Exceptions to this practice may include pre-payment of dues and

subscriptions, expenses associated with conferences or training seminars, insurance premiums, certain service contracts and other purchases where pre-payment is approved by the City Administrator.

Invoices received directly by Administration will be promptly forwarded to the department initiating the purchases. In the interest of expediting payments to vendors, at the time of the order, departments may request vendors to remit invoices directly to the attention of their department. It is the responsibility of the department initiating the purchase to ensure all invoices have been processed and forwarded to the Assistant Finance Director for payment.

All invoices submitted for payment must be approved by the department director responsible for the purchase. In the absence of the department director, invoices may be approved by the department director's immediate subordinate.

Invoices shall be submitted with the account number, the department director's initials and date. The Treasurer or City Administrator reserve the right to change the account number charged if he/she believes that the nature of the goods or services purchased are not properly classified.

All approved invoices presented for payment as part of the next Schedule of Bills must be received by the Finance Department no later than 12 noon on the Wednesday preceding the following Tuesday's Council meeting. Invoices received after 12 noon on Wednesday the week prior to a Council meeting will not be paid until the next regularly scheduled Council meeting.

A final copy of the Schedule of Bills will be reviewed by the Treasurer and provided to the City Administrator's Office no later than 1:00 p.m. on the Friday preceding a City Council meeting.

Following City Council approval of invoices, all payments will be promptly mailed to vendors unless otherwise specified in writing by a department director. Checks may be held for vendor pick-up following the Council meeting if prior arrangements are made by the vendor. Unless the vendor's representative picking up the check is personally known to City staff, then the vendor must be notified, they must specify the representative and the representative will need to show identification before release of the check.

### **§35.21 PURCHASING PROCEDURES**

#### **(A). Purchases less than \$5,000**

Purchases in this category can best be described as those day to day purchases needed to perform a job or service.

Department directors are responsible for the purchases made by personnel within their department. They may delegate this purchasing authority to subordinates, but still bear responsibility that these procedures are followed.

Although day to day purchasing will be done without prior approval, the responsibility still exists for making the most economical purchases. Spot price checks and surveys must be made from time to time to insure that the price being paid is the best price available and that the quality is the best that is required.

Day to day purchasing shall be made through that vendor who offers the best usable product at the lowest price. Also, accepting deliveries shall rate preference over picking up where no delivery charges are involved and there is no immediate need for the item.

Invoices are forwarded to the Finance Department with account code, initials and date for processing.

#### **(B). Purchases in excess of \$5,000 but less than \$10,000**

Every effort shall be taken to secure at least three quotations before deciding on a suggested vendor. The requesting department shall secure the quotations themselves.

In the event that a department director feels that a purchase under this category should be made from one certain vendor rather than through quotations, he/she should submit a memo to the City Administrator stating the reasons for the certain vendor preference.

#### **(C). Purchases in Excess of \$10,000**

All paperwork for such purchases must be approved by signature of the City Administrator or his/her designee.

All other general purchasing policies will apply.

(D). Purchases in Excess of \$20,000

City ordinance requires that all purchases made from one vendor for the particular item or like types of items exceeding a cost of \$20,000 must be accomplished through formal bidding procedures or by a bid waiver approved by the City Council. The splitting of a purchase into two or more purchase orders for the purpose of avoiding the bidding process is not allowed.

In certain circumstances it may be felt by the department director and/or City Administrator that the best interests of the City would be served by a purchase from one particular vendor despite the amount of the purchase being in excess of \$20,000. In such case, a request to waive competitive bidding must be submitted to the City Council for their consideration and approval.

If it is found that an emergency condition exists and a purchase in excess of \$20,000 must be made to remedy the emergency condition, the department director may make such purchase if verbally authorized by the City Administrator. The department director must report the purchase to the City Administration by memorandum as expeditiously as possible relating the full facts concerning the emergency and the costs incurred. A report shall then be sent to the City Council for their action as may be required. An emergency condition is described as a condition where the health and/or welfare of the City or its residents are affected.

(E). Petty Cash

Petty cash drawers are maintained by the City at the City Clerk's office (\$100.00), Police Department (\$100.00), Cemetery Office (\$100.00) and Finance Department (\$100.00) for the purpose of reimbursing incidental costs incurred for City operations.

The Finance Department's cash drawer maintains a cash balance of \$400.00 for the sole purpose of making change for transactions at the cash register. This drawer is balanced daily as part of the end of the day close process.

Petty cash funds will be used primarily to reimburse employees for incidental expenses associated with bona fide City operations. Advances may be requested upon the approval of the department director.

All requests for petty cash reimbursement must be submitted with appropriate receipts and documentation supporting the amount of the request. All requested information must be completed prior to making any disbursements including date of request, payee, account number to be charged, amount due, signature of requestor and a description of the nature of the expense.

Unless otherwise authorized by the City Administrator or his/her designee, petty cash reimbursements shall be limited to no more than \$50 per request. Separate requests for one purchase exceeding \$50 will not be accepted.

Responsibility for the safety, security and proper control of each petty cash drawer rests with the head of the department to which the drawer is assigned. Each department director may assign the day to day duties of petty cash administration to an appropriate custodian. All reimbursements made by the petty cash custodian must be dated and include the initials of the custodian disbursing the funds. Advances should be clearly marked on the request and marked out and revised to the correct total once the proper change is returned with the receipt.

When the balance of the drawer is getting low, the designated custodian shall prepare a reconciliation of the petty cash fund providing a count of cash currently in the box as well as a detailed listing of petty cash reimbursement slips received. Any discrepancies must be documented and reported to the Treasurer.

Unannounced audits of petty cash drawers may be made at any time by the Treasurer or his/her designee.

(F). Declared Emergency Purchases

If an "emergency" has been declared by the Mayor, the following guidelines will be observed:

1. Any employee designed by their Department director may make purchases up to \$500 in estimated cost;
2. Those emergency purchases with an estimated costs of \$500 to \$1,000 require the verbal approval of the Department director or a designee prior to expenditure;

3. Those emergency purchases with an estimated cost of \$1,000 to \$10,000 for goods and services and up to \$20,000 for Public Works construction or MFT funded projects require the verbal approval of the City Administrator or a designee prior to expenditure;
4. Those purchases in excess of \$10,000 for goods and services and \$20,000 for Public Works construction or MFT funded projects; the City Administrator is required to ask the Mayor for approval prior to expenditure. If the Mayor is unavailable, the Administrator will be authorized to enter into an emergency purchase with follow-up notification to the Mayor and City Council.

### **§35.22 JOINT PURCHASING**

It should be duly noted that joint purchasing should be encouraged whenever possible.

Certain items are annually let for bids by the Procurement Division of the State of Illinois. Any unit of government in the state may avail themselves of these bid prices. Purchasing through State Purchasing may satisfy the requirements for bidding even though the purchases may be in excess of \$20,000. Purchases in excess of \$20,000 require City Council approval.

### **§35.23 SERVICE CONTRACTS**

From time to time, the City enters into contracts for essential services. The purpose of these contracts is varied and is often entered into without bids. When bids are waived, a contract is entered into through negotiations or acceptance of a proposal from the vendor who wishes to supply the service. It must be remembered that in most cases where bids are waived, the same legal requirements as in a bid situation still apply.

All contracts, to be valid, must be signed by an authorized representative of the company to supply the services and an authorized representative of the City. The City Administrator, or any authorized department director may enter into a contract for the City provided that all applicable procedures such as formal bidding, bid waivers, quotations etc. have been met. Copies of the contract are to be immediately forwarded to the City Clerk and Treasurer to be filed.

### **§35.24 BUDGET AMENDMENTS**

The City Administrator, as Budget Officer, is authorized to adjust the budget within the fund or department level as long as the total impact of the changes do not exceed the original budget for the department or fund. The City Council must approve all changes that will exceed the total original budget for a department or fund by ordinance.

The City Administrator and Treasurer will meet with department directors at the halfway mark of the fiscal year (after October monthly reports are issued), again after nine months and at the end of the year to discuss actual fiscal results compared to the budget. Based on the analysis of the actual revenues and expenditures, all necessary budget amendments will be documented by department directors. Generally, line items that are expected to exceed the budget by greater than \$1,000 will be adjusted given that a corresponding line item can be reduced so that the total budget of the department is not exceeded.

All proposed changes that will exceed the originally passed department budget or fund budget must be presented in ordinance form to the City Council for approval.

### **§35.25 BOND; FAILURE TO ENTER INTO**

The performance of the contract awarded shall be secured by a sufficient bond. The sufficiency of the bonds, checks or drafts offered in connection with bids or contracts entered into in pursuance of bids accepted, shall be determined by the Mayor and City Attorney. In the event of the failure of any bidder to enter into contract and bond as may be required in said notice or specifications within ten days after the award has been made by the Council, or officers aforesaid, the award may be cancelled and the bid of the next lowest responsible bidder accepted, or all bids may then be rejected and the Clerk authorized to re-advertise for proposals.

### **§35.26 SPECIAL CLAUSES IN CONTRACTS**

A contract shall contain special clauses covering in substance the following:

- (A) That it is executed subject to the ordinances of the city (when letting is pursuant to an ordinance).

(B) That the Mayor or other authorized officer of the city may suspend the work, and the City Council may annul the contract for the failure of the contractor to perform it according to its terms, provided that such suspension or annulment shall not affect the right to cover damages on account of such nonperformance.

(C) That no payment shall be made or liability incurred under such contract for any extra work not specified therein, unless agreed upon in writing pursuant to a special order of the Council passed by a record vote.

**§35.27 PAYMENT ON CONTRACT.**

All contracts may provide for the retention by the city of at least 20% of the contract price until the final completion and acceptance. Partial payments may be made every month as the work progresses upon the detailed statements of the contractor, sworn to, certified and approved in the manner provided for the filing and payment of claims.

**§35.28 CONTRACTUAL LIABILITIES, LIMITATION.**

No contract shall be made by the Council or by any committee or member thereof, and no expense shall be incurred by any of the officers or departments of the city, whether the object of the expenditure has been ordered by the Council or not, unless an appropriation has been previously made concerning that contract or expense. Any contract made, or any expense otherwise incurred, in violation of the provisions of this section shall be null and void as to the city, and no money belonging thereto shall be paid on account thereof. However, pending the passage of the annual appropriation ordinance for any fiscal year, the Council may authorize heads of departments or other separate agencies of the city to make necessary expenditures for the support thereof upon the basis of the appropriations of the preceding fiscal year. However, if it is determined by two-thirds vote of the Council at a regularly scheduled meeting of the Council that it is expedient and in the best public interest to begin proceedings for the construction of a needed public work, then the provisions of this section shall not apply to the extent that the Council may employ or contract for professional services necessary for the planning and financing of such public work.

**Section 3.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 4.** This ordinance shall be effective upon its approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Acting Mayor Gover, seconded by Commissioner Hall, adopted this 5<sup>th</sup> day of April, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall  
Commissioner Rankin, Acting Mayor Gover  
NAYS (Names): None  
ABSENT (Names): None

Approved this 5<sup>th</sup> day of April, 2011.

/s/Timothy D. Gover  
Timothy D. Gover, Acting Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:  
/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:  
/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 12, 2011.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

**DEPARTMENT REPORTS:**

CITY ADMINISTRATOR – noted work on the budget, union negotiations, and attendance of the Library's fundraiser. Acting Mayor Gover opened the floor for discussion with no responders.

ATTORNEY & TREASURER – noted work on the budget, Young Radiator’s case, first nuisance court, closing on Broadway Christian Church’s land purchase, and contract for the Garment Factory property sale for next agenda. Acting Mayor commended the staff on their efforts with Community Pride.

CITY CLERK – announced 54 early voters in her office for the consolidated election. Acting Mayor Gover opened the floor for discussion with no responders.

PUBLIC WORKS – noted work on tonight’s council agenda items, and announced the U of I/EIU baseball game on next Tuesday night. Acting Mayor Gover opened the floor for discussion with no responders.

COMMUNITY DEVELOPMENT – noted work with the nuisance court, and 1630 Broadway granite tile and need for a barricade. Acting Mayor Gover opened the floor for discussion with no responders.

FIRE – noted training, Tent City demonstration in the future, Ameren training on natural gas, follow-up inspections, 60 citations with Operation Community Pride, and risk watch at the elementary schools. Acting Mayor Gover opened the floor for discussion with no responders.

POLICE – noted a volunteer program, and commencement of neighborhood walks/details. Commissioner Hall inquired whether bike patrols would continue with the Chief answering affirmatively with the neighborhood walks.

### **COMMENTS BY THE COUNCIL**

Commissioner Hall, Commissioner Ervin, Commissioner Rankin had no additional comments.

Acting Mayor Gover opened the floor for discussion with no responders.

Commissioner Hall seconded by Commissioner Ervin moved to adjourn at 7:55 p.m.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

/s/ Susan J. O’Brien  
City Clerk