



A Candidate's Guide to Municipal Government

2021 Municipal Election Edition

Since 1913, the Illinois Municipal League (IML) has been the statewide organization representing all 1,298 municipalities in Illinois, including yours. Running for elected office is a serious undertaking and requires preparation and effort. This Candidate's Guide is intended to serve as a primer on local government for those seeking elected office. The following information is on the structure of municipal government and a summary of the functions and duties of local elected officials.

FORMS OF MUNICIPAL GOVERNMENT

Except for 19 municipalities operating under pre-1870 charters as incorporated towns, all other municipalities in Illinois are either cities or villages. Many municipalities operate under either an aldermanic-city or a trustee-village form of government. These standard forms of

government are subject to simple variations, such as the number of members of a legislative body, the terms of office and minority representation. There are also three more complicated variations of municipal government. These variations are called "strong mayor" form, "manager" form and "commission" form. Each form has its own rules for the selection and type of officers, their powers and responsibilities, and the general operations of government. An overview of these forms of government is provided below.

ALDERMANIC-CITY FORM

The aldermanic-city form of municipal government is made up of two aldermen per ward elected for four-year terms. Terms are staggered so that half of the aldermen are elected every two years. The population of the city determines the number of aldermen. Under the aldermanic form of

Roles and Responsibilities of Elected Officials

A municipality functions as an organization made up of individuals with various roles and responsibilities. Below is an overview of those positions as well as their functions.

THE MAYOR OR PRESIDENT

The mayor is the chief executive officer of the city. The president is the corresponding chief executive officer of the village or town. The president, however, may alternatively be referred to as the mayor. The mayor or the president performs all of the duties prescribed by law, including municipal ordinances, and is required to see that the laws and ordinances are faithfully executed. The president has the same general supervisory powers and duties as the mayor, except where the Illinois Municipal Code specifically provides otherwise.

The mayor's term is four years unless the municipality has locally adopted a two-year term of office. The mayor is required to give the council information concerning the affairs of the city.

Under most forms of municipal government, the mayor or president is a member of the corporate authorities, but generally only presides over the council's or board's deliberations. The mayor or president casts a vote in the event of a tie or if a measure has received a favorable

vote of one half of the council, and there is no tie. The mayor or president may also vote when a vote greater than a majority of the corporate authorities is required.

As chief executive officer of the city responsible for seeing that all laws and ordinances are enforced, the mayor is, in effect, the administrative superior of all officers and employees, other than the aldermen.

The Illinois Liquor Control Act makes the mayor, or their designee, the Local Liquor Control Commissioner, with power to enforce the appropriate provisions of the Act and local ordinances relating to the subject.

THE CITY COUNCIL, VILLAGE BOARD OF TRUSTEES AND CORPORATE AUTHORITIES

The legislative body of the municipality is the council or board. It is the default repository of all municipal powers that have not been specifically delegated to some other office or board of the municipality. The language of the Illinois Municipal Code is such that in most cases the powers granted under it are to be exercised by the "corporate authorities." In cities, the corporate authorities are the mayor and the aldermen. In villages, the corporate authorities are the president and board of trustees, who

exercise the same powers and perform the same duties as the city council. In municipalities under the commission form, the corporate authorities consist of the mayor and four commissioners. Under the manager form, the mayor and council or president and board of trustees constitute the corporate authorities. It is important to note that sometimes statutory provisions require that actions be taken by a specific majority of the "aldermen or trustees," rather than the "corporate authorities." In those cases, the mayor or president does not vote on the matter.

THE MANAGER

Under the manager form of government, the manager is the chief administrative officer of the municipality and is therefore responsible for the efficient administration of all departments. They are vested by statute with the power and duty to enforce the laws and ordinances within the municipality. The manager is appointed and serves at the discretion of the council or board with no set term of office.

The manager appoints and removes all department directors. Appointments are to be made on the basis of merit and fitness. The manager also selects the municipal attorney. Because the manager

government, the mayor is the chief executive officer. The mayor, city clerk and city treasurer are elected to four-year terms.

TRUSTEE-VILLAGE FORM

Under the trustee-village form, the legislative body consists of six trustees, generally elected from the village at large. Villages with a population of less than 5,000 may, by referendum, reduce the number of trustees from six to four. Villages with a population of more than 25,000 may have each trustee elected by district instead of from the village at large. The village president and village clerk are elected at large, but

the village treasurer is appointed. The term of the president, trustees and clerk is four years, unless reduced to two years by referendum. As with the mayor in the aldermanic-city form, the appointments to all non-elective offices are made by the president with the advice and consent of the board of trustees.

COMMISSION FORM

The commission form of government is limited to municipalities with a population of less than 200,000. This form allows voters to elect a mayor and four commissioners who serve as the council. At the first regular meeting after an election, the council

designates each member to be either the commissioner of accounts and finances, public health and safety, streets and public improvements or public property. The mayor serves as commissioner of public affairs. The council may appoint the clerk and treasurer, as well as all the other officers whose appointment is not delegated. Each commissioner is given executive control over administrative departments assigned to them. By referendum, the electors may provide for the election of commissioners to specific departments. Mayors in a commission form do not have veto authority.

exercises control over all departments and divisions of the municipality, they must attend all meetings of the council or board and may take part in the discussions, but may not vote. The manager may recommend that the corporate authorities adopt such measures as they deem necessary or expedient. The manager also has those powers and duties granted in the statutes to clerks and comptrollers with respect to the preparation of a report of estimated funds necessary to defray the expense of the city or village for the fiscal year to be used by the corporate authorities in the preparation of an annual appropriation ordinance.

THE CLERK

The clerk keeps the corporate seal, which is to be provided by the corporate authorities, and all papers belonging to the municipality. The corporate authorities are free to disburse public records to other officers as efficiency and practicality require. The clerk attends all meetings of the corporate authorities, including executive sessions, and keeps a full record of their proceedings in the form of minutes. Usually the clerk, by custom or ordinance, publishes all ordinances, either in the local newspaper or in pamphlet form.

If no comptroller is elected or appointed,

the clerk exercises general supervision over all officers of the municipality charged in any manner with the receipt, collection or disbursement of the municipal revenue. The clerk has custody and control of all municipal documents, books and papers the corporate authorities designate. Except under the manager form, it is also the clerk's duty to prepare an annual estimate of expenses for use in the preparation of the annual appropriation ordinance.

In many municipalities, the clerk is eligible to be the local registrar of vital statistics and, if appointed, must keep the records and make the reports to the State Registrar of Vital Records as prescribed by the statutes concerned with births.

Certain other powers and functions are delegated to the clerk by statute, including the power to administer oaths. As the local election authority, the clerk has various duties in the municipal election process.

THE TREASURER

The treasurer or an appointed finance officer is the custodian of all funds belonging to the municipality. As such, they keep records that show a separate account for each fund or appropriation. The treasurer issues receipts for money received and files copies thereof with

the clerk, as well as issuing money only on warrants or bonds duly signed by the president or mayor and clerk. The treasurer keeps separate accounts for taxes levied for a specific purpose, bond funds and special assessment funds.

The treasurer is also the custodian of the following special funds, among others, if and when they are created: the police pension fund, the firefighters' pension fund, the house of correction pension fund, and the library employees' pension fund.

The treasurer is personally liable for all funds deposited with them, regardless of whether they are negligent in handling them.

Under oath, the treasurer must make a monthly report, or issue reports more often if required by the corporate authorities, showing the state of the treasury and its remaining balance as of the date of the report.

The treasurer is prohibited from making personal use of any municipal funds in their possession.

Excerpted from IML's *Illinois Municipal Handbook*. Available for purchase online at www.iml.org/publications.

MANAGER FORM

The manager form of government is available to all municipalities with a population of less than 500,000. The municipality may retain its governmental structure as an aldermanic-city form, trustee-village form or commission form while adopting, by referendum, the features of the manager form. Under this form, the power of the council or board is purely legislative, except that it is empowered to approve all expenses and liabilities of the municipality. The manager is the administrative and executive head of the government. The manager appoints and removes all directors of departments, including

chiefs of police and fire departments if authorized by local ordinance. The manager appoints all officers not required to be elected and members of commissions, boards and agencies provided for in Articles 3 and 4 of the Illinois Municipal Code, except those covered by civil service.

STRONG MAYOR FORM

This form of government has an elected mayor, clerk and treasurer and from eight to 20 aldermen elected from wards depending upon the size of the community. The elected officials serve four-year terms. In the strong mayor form of government, the functions of the

office of mayor are merged with the powers provided to a municipal manager. The mayor is given the power, without the necessity of the advice and consent of the city council, to appoint and remove their administrative assistants, budget and finance director, heads of all departments, all other officers of the municipality, and members of commissions, boards and agencies provided for in Articles 3 and 4 of the Illinois Municipal Code, except those covered by civil service. The powers of the council are purely legislative.

Excerpted from IML's *Illinois Municipal Handbook*. Available for purchase online at www.iml.org/publications.

What is Home Rule?

The Illinois Constitution of 1970 introduced home rule status into Illinois law. In short, a community with home rule status can adopt any policy unless specifically prohibited from doing so by state law or constitutional limitations. By comparison, a non-home rule community can only adopt policies for which express authority is provided by state law. This means that non-home rule governments are “creatures of the state” and dependent on obtaining grants of authority from the General Assembly and the Governor, while home rule governments are autonomous and able to exercise governing

authority independent of the General Assembly and Governor in most cases.

Home rule status is automatically conferred once a community achieves more than 25,000 residents. This automatic threshold has been in place since the ratification of the 1970 Illinois Constitution. Communities with 25,000 or fewer residents are permitted to become home rule following the passage of a referendum. Illinois presently has 217 home rule communities.

Excerpted from IML's *Manual on Home Rule vs Non-Home Rule Status*. Available for purchase online at www.iml.org/publications.

A Note About Ethics

One area to become immediately familiar with are the local ordinances adopting the restrictions required by the State Officials and Employees Ethics Act. In 2003, the State of Illinois enacted legislation that regulated political activity by public officials and employees. The act also required all local governments to adopt an ordinance that included restrictions contained in the state act addressing prohibited political activities and the gift ban.

The Act has been amended to require local governmental entities to adopt, by ordinance or resolution, a policy prohibiting sexual harassment. Although many governmental entities already had sexual harassment policies in place, the law sets forth minimum standards for sexual harassment policies. IML provided a model ordinance and model policy to assist members in complying with the law, available at iml.org/ordinances.

Public Act 101-0221 further amended the State of Illinois and Employees Ethics Act, effective May 9, 2019. This amendment added the requirement for local governmental entities to provide a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official by another elected official. This law also amends the Illinois Human Rights Act, which mandates that all Illinois employers, including municipalities, provide sexual harassment training to all employees. This must be completed by December 31, 2020, and annually thereafter.

Local entities may adopt additional regulations on ethics beyond those minimum requirements under state law, so it is important to become familiar with all local ordinances.

Legal Services

IML attorneys are active in providing assistance to locally retained city attorneys throughout the state. With the input and assistance of the Home Rule Attorneys Committee, IML provides model and sample ordinances and model policies on a wide array of municipal issues.

In addition, IML attorneys may file *amicus* briefs in support of municipalities in the appellate courts on cases with a statewide impact on member communities. IML also provides continuing legal education to municipal attorneys through Municipal Attorneys Seminars, usually held each spring and at IML's Annual Conference each fall. The seminars explore the latest developments in municipal law led by subject matter experts and leading municipal attorneys.

Illinois “Sunshine Laws”

Two important statutes govern public meetings and public documents that should be guiding principles of your local government service. These laws are the Open Meetings Act (5 ILCS 120/) and Freedom of Information Act (5 ILCS 140/).

OPEN MEETINGS ACT

The Open Meetings Act (OMA) is the guiding state statute on the conduct of meetings concerning an open format, with the public being able to witness the events and discussion of public officials when conducting the public's business. OMA requires openness, and the public has a right to be informed as to the conduct of their business. OMA provides exceptions for closed “executive sessions” of the public body, but those are to be strictly construed. Meeting in closed session is not mandatory, but the statutory rules within OMA governing closed sessions must be followed. OMA covers public notice, agenda of meetings, schedules of meetings, recording meetings, minutes, procedures for closing a meeting and attendance by means other than physical presence. OMA has been amended to offer remote meetings in the case of declared emergencies and disasters. The provisions also include enforcement and penalties to assure compliance.

The Illinois Attorney General's office, through the Public Access Counselor (PAC), has the authority to review allegations of violations of OMA. Any individual can also bring a civil action in the local circuit court alleging non-compliance.

Each municipality must submit a list of OMA designees to the Attorney General's office. The list must name designated employees, officers or members, and those listed must complete the training annually. To accomplish this, go to the Attorney General's website (www.illinoisattorneygeneral.gov) and click on the box “Public Access Counselor” and then “Ensuring Open and Honest Government,” then register. Next you will be guided through training and questions. When you are finished, you will receive a certificate. OMA training is also required once of all newly elected or appointed members of a public body covered by the act. All new officials must complete electronic training provided by the Attorney General's office within 90 days of taking office. The online training will provide you with a good working knowledge of OMA's provisions. IML is an authorized provider of the required OMA training and

offers the opportunity for in-person OMA training at IML workshops and conferences.

FREEDOM OF INFORMATION ACT

The Freedom of Information Act (FOIA) pertains to the public's right of access to the public records in the possession of public bodies in whatever form they exist. The provisions of FOIA are the guiding principles for allowing citizens and interested parties to have knowledge of government records, balanced by the fact that certain limited records shall be exempt from disclosure. The FOIA statute begins with a broad policy statement and definitions. It then provides for the copying or inspection, dissemination of information about the public body, and a list of types or categories of records and the ability to charge reasonable copying fees. The law also includes a list of public records and information exempt from disclosure to the public. It should be noted that if a record can be determined to be exempt because of some information that can be deleted, then the redacted record must be tendered to the requester.

FOIA requires each public body to designate one or more official(s) or employee(s) to act as its Freedom of Information (or FOIA) officer(s). Those individuals must take online training within 30 days of being appointed and annually thereafter. This is available through the Attorney General's website.

The PAC can review denial of documents under a FOIA request when asked by the requester. An individual may also file suit in the local circuit court to enforce FOIA.

Both of these “Sunshine Laws,” OMA and FOIA, should be embraced with a spirit of public service and desire to keep the public informed and educated about the public's business. A strong word of encouragement — adhere to the provisions of both laws in your municipal public office; it will serve you well as an elected official and keep your constituents included in their government.

Excerpted from IML's *The Sunshine Laws*. Available for purchase online at www.iml.org/publications.

For more information regarding Illinois' sunshine laws, visit the Illinois Attorney General's website at www.ag.state.il.us/government/index.html. The PAC is also authorized to assist and provide guidance to local governments. Their office number is (877) 299-3642.

February						
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March						
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April						
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MUNICIPAL CALENDAR

Every December, IML publishes the Municipal Calendar in the *Review* magazine. Throughout the year, each month, the *Review* includes monthly reminders for tasks that must be completed. Those entries include the provisions for the annual budget or appropriation ordinance (due by the end of the first quarter of the fiscal year), the annual property tax levy ordinance (which must be filed with the county clerk by the last Tuesday in December), and the annual audit (due to be filed with the Comptroller within 180 days of the end of the fiscal year). Additional reminders include annual appointments and reappointments for boards and commissions, salaries for elected officials (which must be set at least 180 days before taking office or a new term), and numerous other acts that must be completed throughout the year. You may review that resource at any time on the IML website at iml.org/calendar.

IML Annual Conference & Training Opportunities

IML offers a number of convenient and affordable opportunities to meet the professional development needs of elected officials and staff.

The IML Annual Conference is the municipal event of the year. We offer more than 2,000 registrants unparalleled access to education and professional development, as well as the opportunity to network with fellow elected officials.

Each year, the event offers dozens of diverse sessions that provide innovative ideas, proven best practices and practical information over the course of three days. Conference topics are carefully vetted to ensure we offer the most relevant, timely solutions to the problems facing Illinois

communities. The speakers who present them are among the best in their field.

IML also offers in-person Open Meetings Act training and sexual harassment prevention training materials that meet State of Illinois mandates.

In addition to the Annual Conference, we also offer trainings and workshops throughout the year. Newly Elected Officials training is conducted in odd-numbered years with Not So Newly Elected Officials training offered in even-numbered years. Municipal Attorneys Seminars are held in the spring and on the first day of the Annual Conference. Learn more about training opportunities online at www.iml.org/training.

Media Engagement

An election cycle inevitably generates media attention. Dealing with the media need not be adversarial, nor is it even a “necessary evil,” as some candidates would argue. Quite to the contrary, the press can be a valuable resource to your community and to you personally. Conversely, failure to build a relationship with the press and to keep them informed can create unending problems.

The business of government is to be conducted in the open. Dealing with the press is a legitimate part of that process. Following are several suggestions to consider when working with the media.

FIRST, BE HONEST.

Always give reporters and the media honest answers to their questions. If you cannot be honest, then do not talk to the press on a particular issue, but never give false information.

SECOND, RETURN TELEPHONE CALLS OR MESSAGES.

Reporters are doing their jobs. Part of your role is keeping constituents informed, and your constituents read the newspaper, online news, Facebook, Twitter, blogs, and listen to local radio shows. Returning messages from the media is therefore imperative.

THIRD, TAKE THE TIME TO EXPLAIN YOUR POSITION.

While you may be familiar with an issue that has gone on for a long time in your municipality, the reporter (and, for that matter, constituents) may not have any idea what the matter is about or why it has been so difficult to solve. You should take the time to explain the historical background of what has occurred and why you are taking a particular position.

FOURTH, IF YOUR STORY IS NOT GETTING ACROSS, CONSIDER WRITING AN “OP-ED” PIECE.

If an issue is important enough or you believe the facts are not being reported fully, consider writing your own Op-Ed piece. A letter to the editor is usually short and subject to editing by the publication; however, an Op-Ed piece carries more significance and is longer. This is an opportunity to tell your story the way you want to tell it.

FIFTH, MEET WITH THE EDITORIAL BOARD.

For all of the reasons listed above, it can be helpful to meet with a newspaper’s editorial board. This may be particularly helpful when the editorial board may be expected to weigh in on complicated or controversial issues.

SIXTH, DEVELOP A THICK SKIN.

Because you do not write the articles, the news stories will rarely appear as one-sided cheering sections for you or your position. Keep your perspective on this. Reasonable people can disagree, and not everyone will invest a particular issue with as much importance as you might.

FINALLY, BE RESPECTFUL AND THOUGHTFUL IN YOUR PUBLIC AND PRIVATE BEHAVIOR.

We live in an era of cell phone cameras and social media, and everyone should act accordingly. Off-hand comments and remarks that are insensitive to others — whether in real life or online — are unacceptable. Such comments will hurt your credibility and will distract from your legitimate goals and objectives. Remember that as long as you are a public figure, your private actions and casual remarks will shape the public’s perception of you, and possibly your community.

Excerpted from IML’s Handbook for Newly Elected Officials. Available for purchase online at www.iml.org/publications.

You've Been Elected! Now What Do You Do?

Once in office, municipal officials can look forward to their public service and the continuing support of IML as we fulfill our mission to Educate, Advocate and Empower our municipal members throughout the state. Be sure to take full advantage of the resources available through IML, some of which are listed below.

IML MEMBERSHIP SERVICES

- Legislative advocacy at the state and federal level
- Full-time in-house legal counsel
- Comprehensive website (www.iml.org) with the latest news, legislative updates, events, fact sheets and valuable resources for municipal officials
- Educational opportunities throughout the year, including Newly Elected Officials training and an Annual Conference in Chicago
- *Statehouse Briefing* (emailed weekly)
- *Illinois Municipal Review* magazine (mailed monthly)
- *Legal Bulletin* (emailed monthly)
- *Federal Focus* (emailed as needed)
- COVID-19 Updates

IML PUBLICATIONS

IML also has an extensive library of affordably-priced publications designed to answer a wide range of municipal questions. Below is a list of publications that can be ordered online at www.iml.org/publications:

- *Conflicts of Interests, Ethics and Liability of Illinois Elected Officials*
- *Illinois Municipal Directory*
- *Financing Municipal Improvements*
- *Handbook for Newly Elected Officials*
- *Manual on Home Rule vs. Non-Home Rule Status*
- *Illinois Municipal Handbook*
- *Illinois Municipal Policy Journal*
- *Manual on Liquor Licensing and Regulation*
- *Manual on Police and Fire Disciplinary Matters*
- *Manual on Municipal Forms of Government*
- *Parliamentary Motion Guide*
- *The Sunshine Laws* (OMA & FOIA)
- *Zoning Handbook for Municipal Officials*

QUESTIONS?

Should you have non-political questions at any point during your candidacy or after the election, please feel welcome to contact us. The Municipal Clerks of Illinois and the Illinois State Board of Elections are also valuable resources.

Illinois Municipal League
(217) 525-1220
www.iml.org

Illinois State Board of Elections
(217) 782-4141 or (312) 814-6440
www.elections.il.gov

Municipal Clerks of Illinois
www.mci.iml.org

This Candidate's Guide was originally developed in partnership with the Municipal Clerks of Illinois (MCI).

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Self-Evaluation Services

Maybe you struggled through a contentious campaign to be elected, or your new role is fraught with tension. Maybe the board is too acrimonious to be effective. As a benefit of membership, IML staff can assist with convening an executive session of the governing body to develop solutions to issues that may be impacting your municipality.

Regardless of the issues at hand, a self-evaluation session can serve as an opportunity to focus on future success. While good governance and the interests of the public demand much of the work of city councils

and village boards be conducted in open session, the Open Meetings Act affords local government the opportunity to meet in executive session for the subjects of "self-evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member." (5 ILCS 120/2(c)(16).

Contact the Illinois Municipal League at (217) 525-1220 to discuss whether these services might benefit your community.