

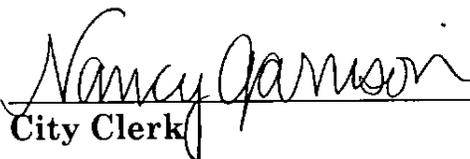
City of St. Charles, Illinois

Ordinance No. 2008-M-92

An Ordinance Amending Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department," of the St. Charles Municipal Code

**Adopted by the
City Council
of the
City of St. Charles
December 15, 2008**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, December 19, 2008**



City Clerk



DATE OF PUBLICATION 12/19/08
FORM NO. 100
Pamphlet

REFER TO:
ORDINANCE 2/15/08
PAGE _____

**City of St. Charles, Illinois
Ordinance No. 2008-M- 92**

**An Ordinance Amending Title 2, "Administration and Personnel,"
Chapter 2.30, "Fire Department,"
of the St. Charles Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE
AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

1. That Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department,"
Section 2.30.010, "Created - Composition," of the St. Charles Municipal Code, be and is hereby amended
by deleting the same and substituting the following therefore:

2.30.010 Created - Composition.

There is created a Fire Department, an executive department of the city. The director of the Fire Department shall be the Fire Chief. The membership of the Fire Department shall consist of such positions as may be authorized and funded by the Mayor and City Council Other members of the Fire Department are to be known as paid-on-call firefighters. All members of the Fire Department, including the Fire Chief, are to be considered to be employees of the city.

2. That Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department,"
Section 2.30.020, "Fire Chief – Appointment, Term and Vacancy Filling," of the St. Charles Municipal
Code, be and is hereby amended by deleting the same and substituting the following therefore:

2.30.020 - Appointments, Promotion, and Vacancy Filling.

- A. The Fire Chief shall be recommended for appointment by the City Administrator and appointed annually by the Mayor with the advice and consent of the City Council until the first day of May following his or her appointment, except for the following:
 - 1. If the City Administrator determines that the Fire Chief is not satisfactorily fulfilling the duties of the position, the City Administrator, with approval of the Mayor and City Council, may terminate the Fire Chief at any time during the year of appointment.

2. If the Fire Chief demonstrates behavior that would be cause for immediate dismissal, the City Administrator, with Mayor and City Council approval, may terminate the Fire Chief immediately.

If a Fire Chief is terminated prior to the end of his or her term, the Mayor, upon the receipt of a recommendation from the City Administrator, and advice and consent of the City Council, may appoint a new Fire Chief prior to May 1.

- B. The Assistant Fire Chief(s) shall be exempt rank(s) and position(s) shall be appointed or promoted by the City Administrator upon the recommendation of the Fire Chief and shall be subject to removal by the City Administrator.

The provisions of 65 Illinois Compiled Statutes 5/10-2.1-4, as amended, shall not apply to appointments, promotions or removals for the position(s) of Fire Chief and Assistant Fire chief.

- C. Any full-time member of the Fire Department appointed as Fire Chief or Assistant Fire Chief unless outlined herein, shall not retain any reversionary rights in any former position and shall not be returned to such position if removed or resigned from his/her appointed position.
 1. Any full-time member of the Fire Department holding the rank of Assistant Fire Chief or Battalion Chief, prior to January 7, 2008, shall be classified during his or her term in such position as on furlough from the Fire Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office. If he or she resigns or retires from the appointed rank or is removed by the appointing authority, said officer shall revert to his or her permanent rank, if any, in the Fire Department as established under statute or City ordinance, unless removed from the department by the Board of Fire and Police Commissioners. If the employee reverts to a prior rank, the employee shall be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.
 2. If a member of the department is appointed to a rank immediately below the Chief in a manner provided by ordinance after enactment of this ordinance and prior to being eligible to retire on pension, he or she shall be considered as on furlough from the Fire Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office until such time as the employee attains pension eligibility. If he or she resigned from his or her appointed rank or is removed by the appointed authority prior to attaining eligibility to retire on pension, he or she shall revert to and be established in whatever rank he or she held immediately prior to his or her appointment to the rank immediately below the Chief and thereafter be entitled to all the benefits and emoluments of that rank without regard to whether a vacancy then exists in that rank, unless removed from the department by the Board of Fire and Police Commissioners. If he or she resigned from the appointed rank or is removed by the appointing authority after attaining

eligibility to retire on pension, such employee shall be removed from employment and shall not be returned to any prior rank.

3. The provisions for removal set forth in this ordinance shall not apply where such individual has been discharged for cause by the Board of Fire and Police Commissioners, in which case he or she shall be disqualified as a member of the Fire Department.

3. That Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department,"

Section 2.30.050, "Paid-On-Call Firefighter - Appointment," of the St. Charles Municipal Code, be and is hereby deleted in its entirety:

2.30.050 Deleted in its entirety. (Paid-On-Call Firefighter - Appointment.)

4. That Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department,"

Section 2.30.060, "On-Call Firemen - Qualifications," of the St. Charles Municipal Code, be and is hereby deleted in its entirety:

2.30.060 Deleted in its entirety. (On-Call Firemen - Qualifications.)

5. That Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department,"

Section 2.30.105, "Chain of Command," of the St. Charles Municipal Code, be and is hereby deleted in its entirety:

2.30.105 Deleted in its entirety. (Chain of Command.)

6. That Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department,"

Section 2.30.110, "Command at Emergencies," of the St. Charles Municipal Code, be and is hereby deleted in its entirety:

2.30.110 Deleted in its entirety. (Command at Emergencies.)

7. That Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department," Section 2.30.120, "Obedience to Orders," of the St. Charles Municipal Code, be and is hereby deleted in its entirety:

2.30.120 Deleted in its entirety. (Obedience to Orders.)

8. That Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department," Section 2.30.130, "Absence of Paid-On-Call Firemen," of the St. Charles Municipal Code, be and is hereby deleted in its entirety:

2.30.130 Deleted in its entirety. (Absence of Paid On-Call Firemen.)

9. That Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department," Section 2.30.180, "Meetings and Social Activities – Records Required," of the St. Charles Municipal Code, be and is hereby deleted in its entirety:

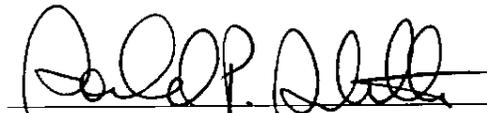
2.30.180 Deleted in its entirety. (Meetings and Social Activities - Records Required.)

10. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the city of St. Charles, Illinois, this 15th day
December, 2008.

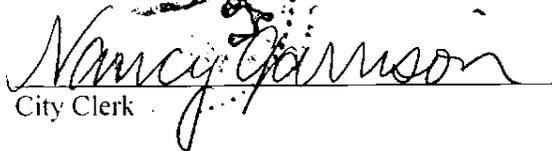
PASSED by the City Council of the city of St. Charles, Illinois, this 15th day of
December, 2008.

APPROVED by the Mayor of the city of St. Charles, Illinois, this 15th day of
December, 2008.



Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 9
Nays: 0
Absent: 1

APPROVED AS TO FORM:

City Attorney

Date: _____

State of Illinois)
)
Counties of Kane and DuPage) ss.

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on December 15, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-M-92, entitled

"An Ordinance Amending Title 2, "Administration and Personnel," Chapter 2.30, "Fire Department," of the St. Charles Municipal Code ,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2008-M-92, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 19, 2008, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 15th day of December 2008.



Nancy Garrison
Municipal Clerk