

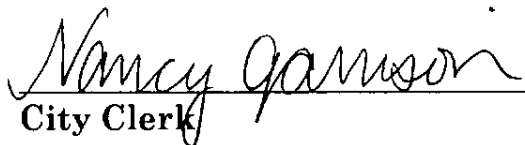
**City of St. Charles, Illinois**

**Ordinance No. 2008-M-93**

**An Ordinance Amending Title 2, "Administration and  
Personnel," Chapter 2.32, "Police Department," Section  
2.32.010 and Section 2.32.020 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 REVISION 12/19/08  
pamphlet

REFER TO  
COMMITTEE 12/15/08  
PAGE \_\_\_\_\_

**City of St. Charles, Illinois  
Ordinance No. 2008-M-93**

**An Ordinance Amending Title 2, "Administration and Personnel,"  
Chapter 2.32, "Police Department," Section 2.32.010 and  
Section 2.32.020 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 2.32, "Police Department,"  
Section 2.32.010, "Created - Composition," of the St. Charles Municipal Code, be and is hereby  
amended by deleting the same and substituting the following therefore:

**2.32.010 Created – Composition.**  
There is created a Police Department, an executive department of the city. **The director  
of the Police Department shall be the Police Chief.** The membership of the **Police**  
Department shall consist of such positions as may be authorized and funded by the  
Mayor and City Council. **Members** of the Police Department, including the Police  
**Chief**, are to be considered employees of the city.

2. That Title 2, "Administration and Personnel," Chapter 2.32, "Police Department,"  
Section 2.32.020, "Appointments, Promotion, and Vacancy Filling," of the St. Charles Municipal Code,  
be and is hereby amended by deleting the same and substituting the following therefore:

**2.32.020 Appointments, Promotion, and Vacancy Filling.**  
A. The Chief of Police 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 Chief of Police is not satisfactorily  
fulfilling the duties of the position, the City Administrator, with approval of the  
Mayor and City Council, may terminate the Chief of Police at any time during  
the year of appointment.
2. If the Chief of Police demonstrates behavior that would be cause for immediate  
dismissal, the City Administrator, with Mayor and City Council approval, may  
terminate the Chief of Police immediately.

If a Chief of Police 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 Police Chief prior to May 1.

- B. The Deputy Chief(s) shall be exempt rank(s) and position(s) shall be appointed or promoted by the City Administrator upon the recommendation of the Chief of Police 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 Chief of Police and Deputy Chief.

- C. Any full-time member of the police department appointed as Chief of Police or Deputy 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 appointed position.
  - 1. Any full-time member of the Police Department holding the rank of Deputy Police Chief upon enactment of this ordinance shall be classified during his or her term in such position as on furlough from the Police 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 Police 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 Police 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 appointment 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 Police Department.

3. That Title 2, "Administration and Personnel," Chapter 2.32, "Police Department," Section 2.32.040, "Rules and Regulations," of the St. Charles Municipal Code, be and is hereby deleted in its entirety:

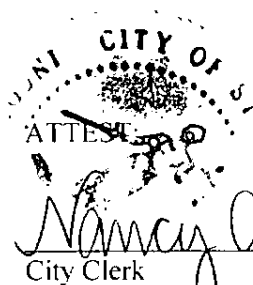
**2.32.040 Deleted in its entirety. (Rules and Regulations.)**

4. 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.

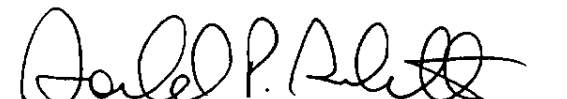
**PRESENTED** to the City Council of the city of St. Charles, Illinois, this 15th day of December 2008.

**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.



Nancy Garrison  
City Clerk

  
\_\_\_\_\_  
Mayor

**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.

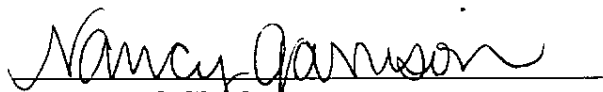
I further certify that on December 15, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-M-93, entitled

"An Ordinance Amending Title 2, "Administration and Personnel," Chapter 2.32, "Police Department," Section 2.32.010 and Section 2.32.020 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-93, 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.

  
Municipal Clerk

