

A Candidate's Guide to Municipal Government



2023 Municipal Election Edition

Since 1913, the Illinois Municipal League (IML) has been the statewide organization representing all 1,295 municipalities in Illinois, including yours. Running for elected office is a serious undertaking and requires preparation and effort. This 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 14 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, managerial 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 alderpersons per ward elected for four-year terms. Terms are staggered so that half of the alderpersons are elected every two years. The population of the city determines the number of alderpersons. Under the aldermanic form of 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 village president, trustees and clerk is four years, unless reduced to two years by referendum.

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 (also serves as mayor pro tempore), 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 the 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.

MANAGERIAL FORM

The managerial 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 managerial 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 municipal manager is the administrative and executive head of government. The manager appoints and removes all directors of departments, including chiefs of police and fire departments if authorized by local ordinance. The

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 a 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 or municipal ordinance, 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 or president's term is four years unless the municipality has adopted a two-year term of office. The mayor or president is required to annually 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 municipality responsible for seeing that all laws and ordinances are enforced, the mayor or president is, in effect, the administrative superior of all officers and employees, other than the alderpersons and trustees, subject to the provisions for commission and managerial forms of government.

The Illinois Liquor Control Act makes the mayor, president, 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, 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 alderpersons. In villages and towns, the corporate authorities are the president and board of trustees, who exercise the same powers and perform the same duties as a city council. In municipalities under the commission form, the corporate authorities consist of the mayor and four commissioners. Under the managerial 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 "alderpersons or trustees," rather than the "corporate authorities." In those cases, the mayor or president does not vote on the matter.

THE MANAGER

Under the managerial form of government, the manager is the chief administrative officer of the municipality and is, therefore, responsible for the efficient administration of all departments. Managers 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 authority to make an appointment to fill a vacancy in an elected municipal office depends on the form of government of the municipality.

IML developed a fact sheet on filling vacancies in elected municipal offices available at iml.org/factsheets.

manager may appoint 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 strong mayor form of government has an elected mayor, clerk and treasurer and from eight to 20 alderpersons 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 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 iml.org/publications.

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 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 the manager deems necessary or expedient. The manager also has those powers and duties granted in statute to clerks and comptrollers with respect to the preparation of a report of estimated funds necessary to defray the expenses of the city, village or town 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 closed sessions, and keeps a full record of their

proceedings in the form of minutes, unless the clerk is the subject of the closed meeting, and their presence creates a conflict of interest. Usually the clerk, by custom or ordinance, publishes all ordinances, either in a 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 municipal revenue. The clerk has custody and control of all municipal documents, books and papers the corporate authorities designate. Under the managerial 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 reports to the State Registrar of Vital Records as prescribed by statute 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 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 issues money only on warrants or bonds duly signed by the mayor or president and clerk. The treasurer keeps separate accounts for taxes levied for a specific purpose, bond funds and special assessment funds.

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 iml.org/publications.

What is Home Rule?

The Illinois Constitution of 1970 introduced home rule 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 more 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, unless revoked by voter referendum. Communities with 25,000 or fewer residents are permitted to become home rule following the passage of a referendum. Illinois presently has 219 home rule communities.

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

A Note About Ethics

One area to become immediately familiar with is the local ordinance adopting the restrictions required by the State Officials and Employees Ethics Act. In 2003, the State of Illinois enacted legislation that regulates political activity by public officials and employees. The Act also requires all local governments to adopt an ordinance that includes restrictions 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, and to provide a mechanism in that policy for the reporting and independent review of allegations of sexual harassment of elected officials by other elected officials. Although many governmental entities already had sexual harassment policies in place, the law sets forth minimum standards for sexual harassment policies.

Ethics reform legislation enacted in 2021, included in Public Act 102-0664, amended the Lobbyist Registration Act to expand the definition of “lobbying” to include any communication with an official, including the soliciting of others to communicate, for the ultimate purpose of influencing any executive, legislative or administrative action at the municipal level. The amendments also prohibit municipal officials from compensated lobbying on behalf of any lobbyist or lobbying entity who is registered to lobby their municipality. The Act also provides that no unit of local government with a population of 500,000 or less may regulate lobbying in a manner inconsistent with the Act.

SEXUAL HARASSMENT TRAINING

Public Act 101-0221 amended the Illinois Human Rights Act, which mandates that all Illinois

employers, including municipalities, provide sexual harassment training to all employees. This training is required to be completed annually. IML developed a model ordinance and model policy to assist in complying with the law, as well as a sexual harassment prevention training program. These resources are available online at iml.org/harassmentprevention.

STATEMENT OF ECONOMIC INTERESTS FORM

Effective January 1, 2022, Public Act 102-0664 changed the Statement of Economic Interests form that must be filed by elected officials, some appointed officials and employees, as well as candidates for elected office. IML developed a fact sheet to assist municipal officials and candidates in the completion of the Statement of Economic Interests form, available at iml.org/factsheets.

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. The public has a right to be informed as to the conduct of their business and the right to an opportunity to address public officials under the rules established and recorded by the public body. OMA provides exceptions for closed sessions of the public body, but those exceptions 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 notices, meeting agendas, meeting schedules, recording meetings, minutes, procedures for closing a meeting and attendance by means other than physical presence. OMA has been amended to authorize remote meetings in the case of declared emergencies and disasters. The provisions of OMA also include enforcement procedures 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 circuit court alleging non-compliance.

Each municipality must submit a list of OMA designees to the PAC. The list must name designated employees, officers or members, and those listed must complete OMA training within 30 days of their designation and annually thereafter. All newly elected or appointed members of a public body are required to complete OMA training within 90 days of taking office. An elected or appointed member of a public body subject to OMA who has successfully completed the training and filed a copy of the certificate of completion with the public body is not required to subsequently complete the training, so long as they are not an OMA designee. Training is available through the Freedom of Information Act (FOIA) and OMA Training Portal on the Illinois Attorney General's website at illinoisattorneygeneral.gov.

IML is an authorized provider of the required OMA training and offers online training through the IML Education Resources webpage at iml.org/education. Certificates are provided to those who complete the training. IML also offers

the opportunity for OMA training in person at IML workshops and the IML Annual Conference.

FREEDOM OF INFORMATION ACT

FOIA pertains to the public's right of access to 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 may be exempt from disclosure. The FOIA statute begins with a broad policy statement and definitions. It then provides guidelines for the copying or inspection of records, dissemination of information about the public body, the maintenance of 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 Act officer(s). Those individuals must complete training within 30 days of being appointed and annually thereafter. FOIA training is available through the Illinois Attorney General's website at illinoisattorneygeneral.gov.

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

Both 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.

IML offers FOIA training through the IML Education Resources webpage at iml.org/education and in person at IML workshops and the IML Annual Conference. IML has also provided a model ordinance on FOIA available at iml.org/ordinances, along with a fact sheet on fulfilling requests for public records available at iml.org/factsheets.

Excerpted from IML's *The Sunshine Laws*. Available for purchase online at iml.org/publications. For more information regarding Illinois' sunshine laws, visit the Illinois Attorney General's website at illinoisattorneygeneral.gov. The PAC is also authorized to assist and provide guidance to local governments. Their office number is (877) 299-3642.

November						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December						
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
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29	30					

CALENDAR FOR MUNICIPAL OFFICIALS

Every December, IML publishes the Calendar for Municipal Officials in the *Review* magazine. Throughout the year, each edition of the *Review* includes monthly reminders for tasks that must be completed. Those entries include the provisions for the annual budget (due prior to the beginning of the fiscal year) 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 Illinois office of 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. The Calendar for Municipal Officials is available at iml.org/calendar.

IML Annual Conference & Education Opportunities

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

The IML Annual Conference is *the* municipal event of the year. We offer more than 2,000 attendees unparalleled access to education and professional development, as well as the opportunity to network with fellow elected and appointed 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 selected to ensure the most relevant, timely solutions to problems facing Illinois communities. The speakers who present them are among the best in their field.

IML provides online Article 3 (Police) and Article 4 (Fire) Pension Trustee Certification, free of charge,

to meet the state-mandated 16-hour initial training and eight-hour annual training requirements for local pension board trustees. This offers trustees the opportunity to meet their certification requirements when it is most convenient for them, and at a considerable savings to the pension funds. This training is available at iml.org/pensiontrustees.

IML offers Open Meetings Act training and Sexual Harassment Prevention training materials that meet State of Illinois mandates.

In addition to the IML Annual Conference, education opportunities and workshops are offered throughout the year in person and online. Newly Elected Officials Workshops are conducted in odd-numbered years and Not So Newly Elected Officials Workshops being offered in even-numbered years. Municipal Attorneys Seminars are usually held in the spring and at the IML Annual Conference in the fall. Learn more about IML's education opportunities online at iml.org/education.

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. 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, social media, blogs and listen to local radio shows. Returning messages from the media is 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, your constituents) may not have any idea what the matter is about or why it has been so difficult to solve. You may need to take 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 may be longer. This could be 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 local 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, 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 in 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; 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 iml.org/publications.

Legal Services

IML attorneys are active in providing assistance to locally-retained municipal 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 or

Illinois Supreme Court on cases with a statewide impact on 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.

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 municipal officials 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 levels
- Full-time in-house legal counsel
- Comprehensive website (iml.org) with the latest news, legislative updates, events, fact sheets and valuable resources
- Educational opportunities throughout the year in person and online, including Open Meetings Act training, Freedom of Information Act training, Sexual Harassment Prevention training, Newly Elected Officials Workshops and an Annual Conference in Chicago (iml.org/educationresources)
- Article 3 and Article 4 Pension Trustee Certification (iml.org/pensiontrustees)
- *Statehouse Briefing* (emailed weekly)

- Illinois Municipal Review magazine (mailed monthly)
- *Legal Bulletin* (published monthly)
- *Federal Focus* (emailed monthly or as needed)

IML PUBLICATIONS

IML has an extensive library of free or affordably-priced publications designed to address a wide range of municipal topics. Below is a list of publications that can be ordered online at 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
iml.org

Municipal Clerks of Illinois
mci.iml.org

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

A Candidate's Guide to Municipal Government 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 a closed 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. The Open Meetings Act affords municipal governments the opportunity to meet in closed 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 IML at (217) 525-1220 to discuss whether these services might benefit your community.