

CHAPTER 9  
FINANCIAL PROVISIONS

SECTION:

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ORD. NO. 2393 10/25/04)

1-9-1: FINANCES GENERALLY: The Council shall levy all taxes, apportion and appropriate all funds, audit and allow all bills, accounts, payrolls and claims and order payment thereof as provided by law. (65 ILCS 5/8)

1-9-2: DEPOSITORIES: Depositories in which the funds and monies of the City of Pekin in the custody of the Director of Finance or Treasurer may be deposited as shall be authorized by Resolution of the City Council. The Director of Finance or Treasurer shall be discharged from responsibility for all such funds and monies which he or she deposits in the said depositories so designated. However, each depository shall furnish the City Manager with copies of all bank statements which they are required to furnish to the Comptroller of the Currency while acting as such depositories; provided also, that the amounts of such deposits in any of said depositories shall not exceed seventy five percent (75%) of the capital stock and surplus of such institution, and the Director of Finance shall not be discharged from the responsibility of any such funds deposited in any depository in excess of such limitations.

1-9-3: AUDITS: The Council shall, at the close of each fiscal year, cause an independent audit to be conducted of all the City's funds, books, and accounts. Such audit shall be conducted by a person or firm selected by the Council, and be conducted independently from any similar duties of the City Manager or Director of Finance. Full reports of such audits shall be filed with the City Clerk, and will be kept with all other public records of the City. This paragraph shall in no manner act to relieve the City Manager or the Director of Finance of his or her responsibility for the proper expenditure of the City funds.

1-9-4: SPECIAL ASSESSMENTS: All special assessments for local improvements shall be made in the manner provided by law. (65 ILCS 5/9-2-42 et seq.)

#### 1-9-5: SALES AND PURCHASES OF REAL ESTATE:

A. Applicability of Provisions: The City of Pekin, Illinois, in the exercise of its home rule powers as contained in Article VII, section 6 of the Constitution of the State of Illinois, herewith ordains that any provisions contained in the statutes of the State of Illinois to the contrary notwithstanding, the following provisions of this Section shall govern the sale of any real estate or any interest therein now owned or hereinafter owned by the City or the leasing by or from the City of any real estate, or the purchase of any real estate by the City other than through the exercise of the power of eminent domain and the purchase or sale of any options for the foregoing transactions.

B. Sale of City-Owned Real Estate: Any real estate now owned or hereafter owned by the City or any interest in real estate now held or hereafter held by the City may be sold in any manner prescribed by the City Council in an ordinance authorizing such sale; provided, that prior to the enactment of such ordinance, a public hearing is held on the question of the sale before the City Council or some regular standing committee of said Council; and provided further, that notice that such public hearing will be held is published in the local newspaper having a general circulation within the City at least fifteen (15) days prior to holding such meeting and describes the property that may be sold. The ordinance authorizing the sale of any such real estate or interest therein shall require a three-fourths (3/4) vote of the City Council and shall be approved by the Mayor. In such ordinance, the City Council shall expressly find and declare that said real estate, or interest therein, that is therein authorized to be sold is no longer needed for governmental purposes or proprietary activity of the City.

C. Purchase of Real Estate: The City may purchase real estate or any interest therein for any corporate purposes found and declared by the City Council and pursuant thereto may authorize any terms and any conditions approved by the City Council by ordinance duly passed.

D. Leasing Real Estate, City Lessor: Any real estate now owned or hereafter owned by the City, or any interest therein, may be leased from the City in any manner prescribed by the City Council in an ordinance authorizing such lease; provided, that prior to the enactment of such an ordinance, a public hearing is held on the question of said lease before the City Council or some regular standing committee of said Council; and provided further, that notice that such public hearing will be held is published in the newspaper having a general circulation within the City at least fifteen (15) days prior to the holding states the time, place and date of such meeting and describes the property that is to be leased. The ordinance authorizing the lease from the City of any such real estate or interest therein shall require a three-fourths (3/4) vote of the City Council and shall be approved by the Mayor. In such ordinance, the City Council shall expressly find and declare that said real estate or interest therein that is therein authorized to be leased from the City is not needed for governmental purposes or proprietary activity of the City for the period of said lease term. However, the City Manager is authorized to execute those Leases which do not exceed two (2) years in duration without conducting the aforementioned public hearing or passing an authorizing ordinance.

E. Leasing Real Estate, City Lessee: The City may lease from any person, partnership, corporation or other public entity any real estate or interest therein for any corporate purposes found and declared by the City Council and pursuant thereto may authorize the leasing thereof under any terms and any conditions approved by the City Council by ordinance duly passed.

F. Options:

1. If the City desires to sell an option to purchase or option to lease from the City or any combination thereof, any real estate or interest that the City or any combination thereof, any real estate or interest that the City now owes or hereafter owns, the City may do so in a like manner as is prescribed for the outright sale or lease of such real estate in this section.

2. If the City desires to buy an option for the purchase of or lease of (or any combination thereof) any real estate or any interest therein, the City may do so in like manner as is prescribed for the outright purchase or lease to the City of such real estate in this section.

#### 1-9-6: SALE AND DISPOSITION OF CITY OF PEKIN PERSONAL PROPERTY:

A. Definition: PERSONAL PROPERTY: Means and includes every species of property, except real property.

B. Declaration as Surplus: Each department head shall have authority to declare personal property under the jurisdiction of his or her department as surplus. Such surplus personal property shall be disposed only in accordance with this Section.

C. Sale of Personal Property:

Sale of personal property so declared as surplus shall be sold (a) by online auction pursuant to the City's agreement with GovDeals, Inc. or (b) by public auction or solicitation of bids, as provided in this section.  
(Ord. No. 2325 3/10/03)

(a) If the sale of personal property is sold by online auction, then the department head shall provide notice to the City Manager and the Director of Public Property \_\_\_\_\_ days prior to submitting such property for auction.

(b) If the sale of personal property is sold by public auction or by bidding, then ten (10) days notice of the public auction or sale by bidding shall be given. The notice shall be published in a newspaper of general circulation in the City at least once and copies of the notice shall be posted in the office of the City Clerk, and, whenever practicable, bids may be solicited by mailing a copy of the notice to prospective purchasers. A notice of public auction or solicitation of bids shall contain the following information:

i. The name and designation of the department head giving notice;

ii. A general description of the property to be sold;

iii. (1) In the case of a public auction, the date, time, and place of such public auction;

(2) In the case of solicitation of bids, the date, place and manner of the taking of bids;

A statement that the City reserves the right to reject any and all bids.

2. Personal property sold by the City shall generally be sold to the highest bidder for cash, money order, certified, cashier's check, traveler's checks or company check when accompanied by bank guarantee. If an item cannot be disposed of at an amount greater than the cost of advertising and selling, the City may destroy the property or donate it as provided hereinbelow.

3. The department head shall maintain a complete and accurate record of the sale. In the case of an online auction or sale by bid, the record shall include the general description of the personal property sold, the name and address of the purchaser(s), the sale price of each item sold. In the case of a public auction, the record shall include a general description of the personal property sold, and the sale price of each item sold (except that items sold in lots may be so recorded).

4. For each item (or lots containing several items, in the case of a public auction) sold for in excess of \$500.00, or at the request of the purchaser, the department head conducting the sale may execute and deliver a bill of sale to the purchaser of each item (or lot) of personal property, which bill shall describe the item (or lot) in the same manner as the notice of sale and shall recite the purchase price paid, the name and address of the purchaser and the date of purchase.

5. All proceeds from the sale of personal property, less payments for advertising, auction commissions, and other costs of sale, shall be promptly paid over to the City Treasurer.

D. Trade of Personal Property: At the discretion of the department head, and subject to approval by the City Manager, the City may elect to trade surplus personal property for property of substantially equivalent value.

E. Donation of Personal Property: At the discretion of the department head, and subject to approval by the City Manager, the City may elect to donate any item of personal property to another department of the City, or to another governmental agency or to a not-for-profit association.

1-9-7: CONTRACTS FOR PUBLIC IMPROVEMENTS: Contracts for public improvements may be made only with the authorization as provided as follows:

A. Contract of \$10,000.00 or less. Any contract for public improvements wherein the total payments by the City are \$10,000.00 or less, may be approved by the City Council. No bidding is required.

Contract in excess of \$10,000.00 but less than \$50,000.00. Any proposed contract for public improvements wherein the total payments by the City are estimated to be greater than \$10,000.00, but less than \$50,000.00, shall be submitted to the City Council for consideration. The City Council may then choose to employ the procedure of Section 1-9-7C, or to use the following procedure:

- (i) The City Manager shall solicit and obtain quoted from qualified bidders, or minimum of two (2) where possible.
- (ii) The City Manager is then authorized to choose, in the City Manager's discretion, the most appropriate bidder, and execute a contract with said bidder. The City Manager may reject all bids.
- (iii) No bond is required of the contractor unless specifically required. The contract between the City and the contractor shall require the contractor to have all required licenses and permits and to comply with federal, state and local laws, including, without limitation, laws regarding prevailing wages and occupational safety matters.

C. Contracts of \$50,000.00 or more. Any contract for public improvements, wherein the estimated total payments by the City are \$50,000.00 or more shall be brought before the City Council. The City Council shall direct the City Manager to advertise for bids by advertising in a newspaper published within the City at least ten (10) days prior to the opening of bids. The contract shall be let to the lowest responsible bidder. The approval and execution of formal agreements by the Council, the Council may reject all bids.

D. The term "Public Improvements", as used in this section, shall have the same meaning ascribed to that term in Division 9 of Article 8 of the Illinois Municipal Code (65 ILCS 5/8-9-1 et seq.), and as such may be interpreted by the Courts of the State of Illinois.