

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF WASHINGTON CODE TO ESTABLISH  
THE OFFICE OF DEPUTY CITY ADMINISTRATOR**

**WHEREAS**, the City Council of the City of Wahington has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the City Council has previously established the office of City Administrator for the City of Washington; and

**WHEREAS**, in order to ensure efficient City operations in the event of vacancy in the office of City Administrator and to otherwise assist the City Administrator in carrying out the duties of the office, the City Council has determined that it would be in the best interests of the City to establish the office of Deputy City Administrator for the City of Washington; and

**WHEREAS**, pursuant to Section 3.1-30-5(a) of the Illinois Municipal Code, the Mayor is authorized to appoint, subject to the advice and consent of the City Council, any and all officers necessary to carry into effect the powers conferred upon the City; and

**WHEREAS**, the City Council of the City of Washington has determined that it is necessary, expedient, and in the best interests of the City and its citizens to create the office of Deputy City Administrator for the City of Washington, as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:**

**Section 1.** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**Section 2.** A new section 2-293 is hereby added to the Code of Ordinances of the City of Washington as follows:

**Sec. 2-293 Deputy City Administrator**

- (a) *Creation of Office.* The office of deputy city administrator is created.
- (b) *Appointment.* The deputy city administrator shall be appointed by the mayor and confirmed by a majority vote of the city council. The deputy city administrator shall be paid a salary in an amount approved by the City Council. ~~The deputy city administrator shall hold office during the term of the mayor unless otherwise indicated at the time of appointment. No appointment or contract, however, shall exceed the term of the mayor in office at the time of appointment.~~

- (c) *Qualifications.* The deputy city administrator shall be selected from the existing department/division heads to devote part of their time to the duties of deputy city administrator.
- (d) *Powers and Duties.* The deputy city administrator shall be responsible to the ~~mayor~~ ~~and~~ city administrator and shall assist the city administrator in performing the duties of the office of city administrator in furtherance of the proper administration of the affairs of the city. The deputy city administrator shall pursue training in municipal government management and administration, both formally from third party training opportunities and informally through cooperatively working with the city administrator.
- (e) *Temporary Absence of City Administrator.* In the event of a temporary absence or disability of the city administrator, the deputy city administrator shall automatically assume the powers and duties of the city administrator on a temporary basis, until such time as the city administrator returns or the mayor and city council appoint a new city administrator or acting city administrator.
- (f) *Vacancy in City Administrator Office.* In the event of a vacancy in the office of city administrator, the deputy city administrator shall automatically assume the powers and duties of the city administrator on an interim basis and until the mayor and city council have approved the appointment of a new city administrator. ~~Although selection of a new city administrator shall require appointment by the mayor and approval by the city council, it is presumed that the deputy city administrator will be appointed to fill the vacancy in the office of city administrator unless the deputy city administrator does not possess the necessary qualifications or otherwise has not demonstrated satisfactory performance for such office as determined by the mayor and city council.~~
- (g) *Bond.* The deputy city administrator shall perform all the duties of that office without furnishing any additional bond, if such appointee shall already be under bond to the city in any other capacity. If such appointment shall be of a person not already under bond to the city, such appointee shall furnish a bond in such amount and with such surety as may be approved by the city council. The cost of the bond shall be paid by the city.

**Section 3.** Section 2-292 of the Code of Ordinances of the City of Washington is hereby amended as follows (additions are indicated by **bold underline**; deletions by ~~strikeout~~):

(g) *Temporary absence, disability or vacancy; acting city administrator.*

- (1) During the temporary absence or disability of the city administrator **and deputy city administrator**, or vacancy in the office of city administrator **and deputy city administrator**, the mayor shall automatically assume the powers and duties of city administrator under this Code until such time as the mayor and city council appoint a new city administrator or decide that an acting city administrator is needed. The mayor's assumption of the city administrator's powers and duties under this section are on a temporary basis only and shall not be construed as the mayor holding the office of city administrator. The mayor is authorized to designate other city officials to assist in the temporary performance of the city administrator duties.

- (2) In the event it is decided that an acting city administrator is needed, the mayor and city council shall appoint an acting city administrator, with all the powers and duties of that office. The acting city administrator shall perform all the duties of that office without furnishing any additional bond, if such appointee shall already be under bond to the city in any other capacity. If such appointment shall be of a person not already under bond to the city, such appointee shall furnish a bond in such amount and with such surety as may be approved by the council. The cost of the bond shall be paid by the city. The acting city administrator may have other employment, if permitted by action of the city council.

**Section 4.** This Ordinance is hereby ordered to be published in pamphlet form by the City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 5.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith except as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON,  
TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2025.**

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

# Municipal Law: Contracts, Litigation, and Home Rule 2024 Edition

## [9.11] Employment Agreements

Home-rule municipalities have the power to enter into employment agreements notwithstanding apparent conflicts with state statutes. Specifically, §8-1-7(b) of the Illinois Municipal Code provides, in pertinent part:

**Notwithstanding any provision of this Code to the contrary, the corporate authorities of any municipality may make contracts for a term exceeding one year and not exceeding the term of the mayor or president holding office at the time the contract is executed, relating to: (1) the employment of a municipal manager, administrator, engineer, health officer, land planner, finance director, attorney, police chief or other officer who requires technical training or knowledge; (2) the employment of outside professional consultants such as engineers, doctors, land planners, auditors, attorneys or other professional consultants who require technical training or knowledge; (3) the provision of data processing equipment and services; or (4) the provision of services which directly relate to the prevention, identification or eradication of disease. 65 ILCS 5/8-1-7(b).**

Because the legislature did not limit a home-rule unit's power to make contracts that supersede the above provision, it is the opinion of the author that home-rule units may by ordinance enter into agreements that exceed the limitations imposed by §8-1-7(b).

P.A. 95-927 (eff. Jan. 1, 2009) amended the Genetic Information Privacy Act, 410 ILCS 513/1, *et seq.* The Act preempts home-rule powers and provides that employers, employment agencies, labor organizations, and licensing agencies may neither solicit genetic information from applicants nor discriminate against applicants for whom genetic information becomes known. 410 ILCS 513/25.

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