

Chapter 2

CITY COUNCIL

(06-32)

Revision Date: 07-14-08

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2.01 CITY COUNCIL.

a) With the exception of stating voting requirements, as reflected in Section 2.02, the term "The City Council" shall mean the Mayor and seven Aldermen. One Alderman shall be elected from each ward of the City. Terms of the Mayor and Aldermen shall be for four years, with the terms of the Aldermen staggered, so that at the regular election for Aldermen held in the Spring of 1973, one Alderman shall be elected from each odd numbered ward for a term of two years and one Alderman shall be elected from each even numbered ward for a term of four years; and thereafter, their successor-alderman shall be elected for a term of four years. The Mayor shall preside at all meetings of the Council. The terms of elected municipal officials shall commence at the first Special Meeting or the first Regular Meeting of the corporate authorities during the month of May following the proclamation of the results of the regular municipal election at which the officers were elected. (98-94, 05-17, 06-32)

2.02 MAYOR, VOTING POWER.

a) The Mayor shall not vote on any ordinance, resolution or motion except as provided under Section 3-11-14 of the Illinois Municipal Code. For purposes of stating voting requirements in this Chapter only, the term "City Council or Council" shall mean the Aldermen and the term "Corporate Authorities" shall mean the Mayor and Aldermen.

2.03 FILLING ALDERMEN VACANCIES.

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a) Pursuant to Article VII, Section 6 (f) of the Constitution of the State of Illinois (1970) and a Referendum Election held pursuant to Illinois Compiled Statutes, (65 ILCS 5/28-4), when vacancies in the office of alderman are occasioned by reason of resignation, failure to elect or qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office or removal from office or of residency from ward, the City Council shall call a special election to fill said vacancy if at the occurrence of said vacancy, the unexpired term was more than eighteen (18) months in length; and if the unexpired term is eighteen (18) months or less in length, the Mayor may, with the advice and consent of the City Council, appoint a person to serve as alderman in the vacancy until the next general election.

2.04 COUNCIL MEETINGS.

a) Regular Meetings of the City Council shall be held in the Council Chambers of the DeKalb Municipal Building on the second and fourth Mondays of each and every month, no sooner than the hour of 7:00 p.m., when practicable, considering the adjournment of the Committee of the Whole meeting immediately preceding it; provided however, when such Monday falls on a legal holiday, the meeting shall be held at the same hour on the following day. Regular Meetings of the City Council shall end at the hour of 9:00 p.m.; provided however, that by a vote of two-thirds of the Corporate Authorities in attendance at said meeting, the ending time may be extended. Legal holidays shall be the same holidays as provided for in Chapter 3, Section 3.45 of this Code. (77-49, 85-70, 91-98, 04-06)

b) At all Regular Meetings of the City Council, the Council shall proceed to the business before them, which shall be conducted in the following order: (08-31)

1. Roll Call
2. Pledge of Allegiance
3. Approval of Agenda – Additions – Deletions
4. Citizen Comments
5. Special Items or Presentations
6. Consent Agenda – Omnibus Vote
7. Purchases and Bid Awards
8. Public Hearings
9. Old Business
10. Ordinances
 - Second Reading (06-32)
 - First Reading
11. Resolutions
12. Reports – Communications
13. Recess for Closed Session
14. Adjournment

c) The Consent Agenda may, in the initial discretion of the City Manager, include any of the items listed on the Regular Meeting agenda. Each and every matter contained on the Consent Agenda may be passed in an omnibus fashion and shall require the concurrence of a majority vote of the Aldermen holding office, with the right of the Mayor to vote as otherwise provided by law. At any Council meeting, any member of the City Council shall have the right to have any matter on the Consent Agenda removed therefrom and placed as a separate item on the agenda, within the appropriate category. At any time prior to a vote on the passage of the Consent Agenda, a member of the public may request of an Alderman that a matter be removed from the Consent Agenda and be placed as a separate item on the agenda. It is within the discretion of the Alderman to do so. (06-32)

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d) The public shall have the right to speak to the City Council on agenda items as they come up on the agenda. Public speaking on such matters, as well as Citizen Comments, shall be limited to comments addressed to the Council and the public shall not engage in debate with the members of the Council. Public comments shall be limited to three (3) minutes per speaker, per agenda item, except by consent of the Council. Speaker Request Forms should be completed by each member of the public wishing to speak to the City Council and submitted to the City Clerk before the beginning of the regular City Council meeting. (06-32)

e) There shall be a second reading of all ordinances at the next regular meeting following the first reading. The requirements of this subsection may be waived by the affirmative vote of two-thirds (2/3) of the members of the City Council present at the meeting as to any particular ordinance. (80-89, 06-32)

2.05 SPECIAL MEETINGS.

a) Special Meetings of the Council may be called at any time by the Mayor, or by any three (3) Aldermen, of which Special Meeting notice in writing shall be given to each Alderman who has not joined in calling such meeting. Such notice shall be signed by the City Clerk, and authenticated by the seal of the City. Notice of Special Meetings shall be provided to each member of City Council not less than forty-eight (48) hours prior to the time of the meeting and shall be posted in accordance with State Statutes. Special Meetings may not be called on legal holidays provided for in 205 ILCS 630/17 and Chapter 3, Section 3.45 of this Code. (03-147)

2.06 COMMITTEE OF THE WHOLE MEETINGS.

a) Committee of the Whole Meetings of the City Council shall be held at the DeKalb Municipal Building on the second and fourth Monday of each and every month, at 6:00 p.m. immediately preceding the Regular Council Meeting; provided however, when such Monday falls on a legal holiday as provided in Chapter 3, Section 3.45 of this Code, the meeting shall be held at the same hour on the following day. Committee of the Whole Meetings shall end at the hour of 7:00 p.m., when practicable (91-98)

b) The Agenda for Committee of the Whole Meetings shall be prepared by the City Manager considering input from the Mayor and Council, and shall be prepared and released by 7:00 p.m. on Thursday preceding the meeting. (91-98)

c) The intent and purpose of Committee of the Whole Meetings shall be primarily for discussion of consideration items brought before the Council and various matters which require a presentation and/or upon which discussion is anticipated, but not for the passage of Ordinances or Resolutions. No public comments shall be entertained at such Committee of the Whole Meetings. (91-98)

d) At all Committee of the Whole Meetings, the Council shall proceed to the business before them, which shall be conducted in the following manner:

1. Roll Call
2. Items Also on the Regular Meeting Agenda
3. Considerations
4. Adjournment

2.07 FAILURE OF MEMBER TO ATTEND MEETING.

a) Any member of the City Council who shall fail or neglect to be present at the time set for any meeting without a good and sufficient cause, what shall constitute a good cause to be determined in every case by the

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members present; or who shall absent himself from any meeting before a regular and formal adjournment thereof, without leave of the Mayor, may be fined in any sum not exceeding one twenty-fourth (1/24th) of his then current compensation for his position for each offense. A majority vote of the City Council members in attendance at a meeting when there is an absence without good cause shall determine if a fine is to be levied and the amount of said fine. It shall be the duty of the proper officers to see that the same is charged against and deducted from the salary of the offending member. (03-147, 06-32)

2.08 COMPELLING ATTENDANCE OF ALDERMEN.

a) If at any Regular, adjourned, Committee of the Whole or Special Meeting of the Council, of which due notice shall have been given as required by law and ordinance, a quorum is not in attendance, the members present at such meeting may, by a majority vote, command the Chief of Police or any other person designated by them, to forthwith arrest and bring the body of any Alderman absenting himself from such meeting, before the Council, unless he is dangerously sick or detained by circumstances making it impossible for him to be present at such meeting.

2.09 AGENDA.

a) Any three (3) or more City Council members desiring that a matter be placed on a Regular or Committee of the Whole Meeting agenda for consideration by the City Council shall advise the City Manager not later than 12:00 Noon on the Monday preceding a Council meeting. They shall supply the City Manager with a copy of all relevant materials to be considered by the City Council. The City Manager shall include any such matter as a consideration item on the requested agenda.

b) Any person desiring that a matter be placed on a Regular or Committee of the Whole Meeting agenda for consideration by the City Council, shall file a written request with the City Manager along with a copy of all accompanying materials, not later than 12:00 Noon on the Monday preceding a Council meeting. Inclusion of any such matter on the agenda shall be at the discretion of the City Manager. Placement of matters on the Consent Agenda shall be at the discretion of the City Manager. The Agenda shall be prepared and released by 7:00 p.m. on the Thursday preceding the Regular or Committee of the Whole Meeting. (78-100, 03-147)

2.10 ORDINANCE AND RESOLUTION PROCEDURE.

a) All proposed ordinances and resolutions shall be in written form and distributed to members of the City Council prior to the meeting being called to order.

b) Other than Consent Agenda items, all ordinances and resolutions shall be read by title only unless the full reading is requested by one of the members of the City Council.

2.11 MATTERS OF PUBLIC CONCERN.

a) Nothing in the provisions of this Chapter shall be construed to be a limitation on the right of any member of the Council to bring to the attention of the Council at any meeting of the Council, at the time for Council reports, any matter of public concern.

2.12 RULES OF ORDER AND PROCEDURE.

a) The following Rules of order and procedure shall govern the deliberations and meetings of the City Council and the committees thereof.

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b) A majority of the corporate authorities shall constitute a quorum to do business. The Mayor is to be counted.

c) The Mayor shall take the chair promptly at the hour set for any meeting and call the Council to order, and if a majority of the Aldermen are not present, those present, after directing and assessing the fine or penalty to be recorded and deducted from the salary of absent members, shall adjourn to some time to be fixed by the members present, and it shall be the duty of the City Clerk to notify those members not present of the time to which such adjournment is had

d) Presiding Officer. The Mayor shall preside at all meetings of the Council, but the Mayor shall have a vote only where the State Statutes or the municipal ordinances require more than a majority vote of the corporate authorities or in the event of a tie, or where one-half of the aldermen elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote.

e) In the absence of the Mayor, the City Clerk shall call the Council to order. A majority vote of the Aldermen present shall select an Alderman to serve as Temporary Chair of the meeting who shall have only the power of a presiding officer and a right to vote in the capacity as Alderman.

f) During the absence of the Mayor because of an incapacity to perform duties, the Council shall elect one of its members Mayor Pro Tem of the Council, and said person shall act as presiding officer of the Council. The Mayor Pro Tem shall, during the absence or disability, perform the duties and possess all the rights and powers of the Mayor, but shall not be entitled to vote both as Mayor and Alderman.

g) Duties of the Presiding Officer.

1. The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order subject to appeal. If the presiding officer refuses to allow the Aldermen to exercise their right to appeal a decision of the Chair, the Aldermen may consider and pass upon the matter in spite of the Chair's failure to grant them an appeal.

2. In case of any disturbances or disruptive conduct, the presiding officer shall have the power to require the Chamber to be cleared.

h) Duties of Members.

1. While the presiding officer is putting the question, no member shall walk across or out of the Council Chamber.

2. Every member, previous to his speaking, making a motion or seconding the same, shall address himself to the presiding officer and say: "Mayor", and shall not proceed with his remarks until recognized and named by the Chair. He shall confine himself to the question under debate avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

3. When two or more members address the Chair at the same time, the presiding officer shall name the member who is first to speak.

4. While a member is speaking, no member shall hold any private discussion, nor pass between the speaker and the Chair.

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5. The Aldermen may, by two-thirds vote, expel an Alderman for unduly disruptive conduct. Such Alderman may not be expelled a second time for the same offense.

6. No member shall eat, smoke or drink any liquid, with the exception of water, during a Council meeting.

7. If a member has a direct financial interest, or is interested in a matter before the Council, the member shall not speak or address the Council or any other City body on that matter. He shall advise the Council that he has a direct financial interest in the matter prior to any other Council discussion or action on the matter.

i) Debate. No member shall speak more than once on the same question until all other aldermen shall have had an opportunity to speak; provided, however, that the proponent of the matter under consideration or the chair of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member shall speak longer than five (5) minutes at any one time, except by consent of the Council; and in closing debate on any question, as above provided, the speaker shall be limited to five (5) minutes, except by special consent of the Council. (06-32)

j) Appeals from Decisions of the Chair. Any member may appeal to the Council from a ruling of the Chair, and if the appeal is seconded, the member making the appeal may briefly state his reason for the same and the Chair may briefly explain its ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "No", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

k) Voting. In any case where a person has a direct financial interest in or is interested in the question, in addition to not voting thereupon, he shall announce his interest prior to any other Council discussion or action on the matter, and his abstention shall be counted with the majority of those voting on the question. However, if the issue requires an "affirmative vote of the majority," an abstention will be counted as a nay vote. (83-69, 03-147)

l) Special Order of Business. Any matter before the Council may be set down as a special order of business at a time certain, if two-thirds of the aldermen present vote in the affirmative, but not otherwise.

m) Withdrawal of Motions. If the maker of the motion desires to withdraw the motion he may do so with the consent of a majority of the Aldermen. The seconder of the motion may renew the motion as its maker and seek a new seconder. If the seconder of the motion wishes to withdraw his second he may do so. The maker of the motion may seek an additional seconder before the motion is ruled out of order for lack of a second. Neither the maker or seconder of a motion may withdraw the motion, except with the consent of a majority of the Aldermen, once discussion on the motion has started.

n) Division of Questions. If any question under consideration contains several distinct propositions, the Council, by a majority vote of the members present, may divide such question.

o) Record of Motions. In all cases where a resolution or motion is entered in the journal, the name of the member moving and seconding the same shall be entered.

p) Taking and Entering the Votes; Explanation of Votes. The "yeas" and "nays" upon any question shall be taken and entered in the journal. When the Clerk has commenced to call the roll of the council for the taking of a vote by "yeas" and "nays", all debate on the question before the Council shall be deemed

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concluded and during the taking of the vote, a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the Clerk by answering "yea" or "nay", as the case may be.

q) Announcement and Changes of Votes. The result of all votes by "yeas" and "nays" shall be announced by the Clerk, and no vote shall be changed after the Chair has declared the passage or failure of the item voted upon.

r) Reconsideration.

1. A vote or question may be reconsidered at any time during the same meeting, or at the first Regular Meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold public hearings shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation.

2. A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law. Any member may second the motion.

s) The Minutes. The Clerk shall keep the minutes of the Council meetings. The minutes of each Council meeting shall be approved at the first regular meeting following their preparation by the Clerk. The Clerk's draft of the minutes may be amended at any time to correctly reflect the view of the legislative body as to the events which occurred. Commencing January 1, 2004 the Clerk shall be responsible for recording all closed sessions and/or closed meetings of the Council by means of an audio or video recording and maintaining said recordings as provided by Public Act 93-0523, amending the Open Meetings Act. In the absence of the Clerk and Deputy Clerk, the Council may appoint a recording secretary to assume said duties. (82-79, 03-147)

t) Style of Ordinances. The style of all ordinances shall be: "BE IT ORDAINED BY THE CITY COUNCIL of...", as is provided by Statutes.

u) "Aye" or "Nay" Vote. The ayes and nays shall be taken upon the passage of all ordinances and on all propositions to create any liability against the City, or for the expenditure or appropriation of its money, and in all other cases at the request of any member of the Council; and such vote shall be entered in the minutes, as is provided by Statutes.

v) Approval or Veto. All resolutions and motions (1) which create any liability against the City, or (2) which provide for the expenditure or appropriation of its money, or (3) to sell any City property, and all ordinances passed by the Council shall be deposited with the City Clerk. If the Mayor approves of them, the Mayor shall sign them. Those of which the Mayor disapproves the Mayor shall return to the Council with the Mayor's written objections, at the next Regular Meeting of the Council occurring not less than five (5) days after their passage. The Mayor may disapprove of any one or more sums appropriated in any ordinance, resolution or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with the Mayor's written objections, within the designated time, it shall become effective despite the absence of the Mayor's signature.

w) Every resolution and motion specified above, and every ordinance, which is returned to the Council by the Mayor shall be reconsidered by the Council. If, after such reconsideration, two-thirds (2/3) of all the Aldermen then holding office on the City Council agree to pass an ordinance, resolution or motion,

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notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by ayes and nays, and shall be recorded in the journal. (78-73)

x) Record of Ordinances. The Clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.

y) Publication. All ordinances imposing any penalty for a violation thereof or making any appropriation shall be published as required by Statutes, either in a newspaper or in pamphlet form, in which case, the ordinance in its pamphlet form shall be displayed for a reasonable period in a public place in the City Hall.

z) Time of Taking Effect. No ordinance which must be published to comply with the foregoing section shall go into effect until ten (10) days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the members of the corporate authorities then holding office. In all other cases, the ordinances shall go into effect upon the passage thereof, as provided by Statutes, even though the operation of the ordinance may not take effect until a later date.

aa) Neither the Mayor, nor any Council member, employee or any member of a committee, commission or board shall disclose any information which was discussed or presented at any meeting which was closed to the public in accordance with the Open Meetings Act, 5 ILCS 120/1, et seq., unless one of the following conditions exist:

1. That the disclosure of such information occurred after the public body determined that the minutes or portions thereof no longer required confidential treatment and were available for public inspection.

2. That the disclosure of such information was necessarily incident to the performance of the person's job or duties.

3. That the disclosure of such information was made to the State's Attorney in the good faith belief that provisions of the Open Meetings Act were not complied with. (91-80)

ab) Adoption of Robert's "Rules of Order Revised". The rules of parliamentary practice comprised in the latest published edition of Robert's "Rules of Order Revised" shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the rules of this Council set forth in this Chapter or the Statutes or law of the State. (91-80)

ac) Temporary Suspension of Rules; Amendment of Rules. These rules contained in this Section, "Rules of Order and Procedure," may be temporarily suspended by a vote of two-thirds of all the Aldermen entitled by law to be elected, and shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the Aldermen entitled by law to be elected. (91-80)

2.13 MATTERS REQUIRING VOTE GREATER THAN MAJORITY.

a) None of the following powers shall be exercised by an ordinance or resolution of the City Council unless passed by a vote of three-fourths of the corporate authorities of the City of DeKalb then holding office:

1. The vacating of any street or alley;

2. The conveying, leasing, mortgaging, or encumbering in any way of any real estate. However, the corporate authorities shall have the power to authorize any municipal officer to make leases for terms not exceeding two years by majority vote. This provision shall not apply to any real estate acquired by the City

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of DeKalb as the Local Public Agency pursuant to the Tax Increment Allocation Redevelopment Act 65 ILCS 5/11-74-4-1. The sale, lease, mortgaging or encumbering of real property may be done without advertising for bids.

b) The ayes and nays of each member shall be taken and shall be recorded in the minutes of the Council and in the official copy of the ordinance or resolution by listing the name of each person voting and how he voted.

c) This Section, "Matters Requiring Vote Greater than Majority," shall not be amended except by a vote of three-fourths of the corporate authorities of the City of DeKalb then holding office.

2.14 CITY COUNCIL EXPENSES.

a) No advances or reimbursements for expenses to the Mayor or a member of the City Council for activities not previously and specifically authorized in the annual budget or by other City Council action, may be approved by the City Manager or the Comptroller/Treasurer without authorization of the City Council. City Council members who receive City Council authorization to incur travel and conference expenses shall consult with the City Manager regarding allowable expenses and proper procedures prior to incurring any expense. (88-75)

b) The Mayor and City Council members shall present an expenses claim against the City and file receipts and/or a complete itemized statement with the Finance Director for any money expended by such member. The Mayor and/or City Council members receiving travel advances shall, within five (5) working days of the completion of their travel, file receipts and/or a complete itemized statement with the Comptroller/Treasurer, for all monies expended. If a receipt for any expenditure is not included, an explanation as to why the receipt is not included shall be provided with the statement. All monies that are not expended or that are not otherwise accounted for under the provisions of this Section shall be returned along with the itemized statement. (92-104)

2.15 ELECTED OFFICIALS SALARY REVIEW.

a) The City Council shall review the salary for the Mayor and City Council at the last regularly scheduled Council meeting in June, preceding a general municipal election. (92-141)