

**PROVIDING THAT THE CITY CLERK SHALL BE AN APPOINTED OFFICER OF THE CITY OF DEKALB.**

**WHEREAS**, the City of DeKalb (the "City") is a home rule unit of local government that may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

**WHEREAS**, the City is a city not exceeding 100,000 inhabitants which has duly adopted the managerial form of municipal government pursuant to Article 5 of the Illinois Municipal Code and which elects a mayor and council members as provided in Section 5-2-18 of the Illinois Municipal Code (65 ILCS 5/5-2-18); and

**WHEREAS**, the City Council may provide by ordinance that the City Clerk be an officer appointed by the Mayor with the approval of the City Council pursuant to Section 5-2-19 of the Illinois Municipal Code (65 ILCS 5/5-2-19); and

**WHEREAS**, the City Council finds that the elected office of City Clerk has experienced tremendous instability since February 2012; and

**WHEREAS**, the City Council finds that the elected office of the City Clerk has impaired the timely, effective, and efficient performance of the City's business; and

**WHEREAS**, the City Council finds that the office of City Clerk consists of purely clerical and ministerial duties which have been and will be more efficiently and effectively performed by an appointed officer; and

**WHEREAS**, the City Council finds that the duties of the City Clerk have been largely, effectively, and efficiently performed for a number of years by the Deputy City Clerk, who is an executive assistant in the City Manager's office appointed to serve as the Deputy Clerk without additional compensation, merit, and benefits; and

**WHEREAS**, the City Council finds that it is in the best interests of the City's welfare, public health, and safety to provide that the City Clerk be an appointed officer; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

**SECTION 1:** This ordinance provides that the office of City Clerk shall be appointed by the Mayor with the approval of the City Council. The residency requirements shall not apply to any City Clerk appointed by the Mayor with the approval of the City Council. The City Clerk may be removed as an appointed officer pursuant to 65 ILCS 5/3.1-35-10.

**SECTION 2:** This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain

terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, that this resolution shall supersede state law in that regard within its jurisdiction.

**SECTION 3:** This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**FAILED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 26<sup>th</sup> day of August 2019. First Reading passed on August 12, 2019 by a 5-3 roll call vote. Aye: Smith, Fagan, Verbic, Faivre, Mayor Smith. Nay: Morris, Finucane, McAdams. Second Reading failed on August 26, 2019 by a 0-7 roll call vote. Aye: None. Nay: Morris, Finucane, Smith, Fagan, McAdams, Verbic, Faivre.