

**AMENDING CHAPTER 3 "CITY ADMINISTRATION", SECTION 3.14  
"CITY CLERK" OF THE MUNICIPAL CODE OF THE CITY OF DEKALB,  
ILLINOIS.**

**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 Clerk is a part-time position that possesses certain duties pursuant to Section 3.14 of the City's Municipal Code including, but not limited to: keeping a full record of the City Council's proceedings; maintaining custody and control of certain documents; and affixing the City's corporate seal to a variety of documents; and

**WHEREAS**, the City Council finds that the office of City Clerk consists of purely ministerial duties which have largely been performed for many years by the full-time Executive Assistant in the City Manager's office in a timely, efficient, and effective manner.

**WHEREAS**, the City Council finds that it is in the best interests of the City's residents and businesses to provide professional clerical assistance to the general public during all regular business hours.

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

**SECTION 1:** Chapter 3 "City Administration", Section 3.14 "City Clerk", of the City's Municipal Code shall be amended to state in its entirety as follows:

a) Oath. The City Clerk and the Executive Assistant shall, before entering upon the duties of the office, take and subscribe the oath required by law for city officers, and execute a bond with surety to be approved by the Council, payable to the City in the penal sum of \$5,000 conditioned for the faithful performance of the duties of the office and the payment of all monies received according to law and the ordinances of the City.

b) Duties. The part-time duties of the City Clerk shall include, but are not limited to: taking and preparing minutes of the City Council's proceedings; faithfully recording the results of resolutions, ordinances and other actions approved by the City Council in said minutes; overseeing the review, approval and release of all Executive Session minutes; keeping office hours open for the transaction of the City's business; keeping one of the City's corporate seals; affixing the City's corporate seal to a variety of documents; receiving and tracking legal notices sent to the City; administering oaths; overseeing the election process every two years; and notifying all persons

elected to offices of the election within five (5) days after the result of the election is declared.

c) Duties of the Executive Assistant. The full-time duties of the Executive Assistant shall include, but are not limited to: attesting the Mayor's signature on resolutions, ordinances, agreements and other documents approved by the City Council; recording copies of City ordinances, resolutions and other documents as needed with the County Clerk's Office; certifying copies of City ordinances, resolutions and other documents; codifying the City's Municipal Code; keeping one of the City's corporate seals; affixing the City's corporate seal to a variety of documents; processing and finalizing new and renewal licenses and permits; monitoring Open Meetings Act (OMA) training for City Council, City staff and all members of the City's boards, commissions and committees as OMA Officer; annually preparing the Economic Benefit Statement for submission to the County Clerk's office; notifying all persons appointed to offices within five days after the appointment is made; maintaining and overseeing official originals and copies of all the City's ordinances, resolutions, agreements, agenda packets and a variety of other miscellaneous documents; overseeing bidding processes as needed; preparing the annual Schedule of Meetings; posting approved City Council minutes, and approved and released Executive Session minutes to the City's website; attesting and notarizing signatures for the Mayor and City Manager; and performing all duties listed under "b) City Clerk Duties" to the same extent as if done by the City Clerk personally in the City Clerk's absence.

The Executive Assistant is a Chapter 3 non-bargaining unit employee who shall at all times be responsible to ensure that all the duties of the City Clerk are executed faithfully in the City Clerk's absence, as if done by the City Clerk personally.

d) Seal. The City Clerk and the Executive Assistant shall at all times each keep at least one of the City's corporate seals. The City Clerk shall at all times allow the Executive Assistant access to the City's corporate seals.

e) Documents to Successor. The City Clerk shall, upon the termination in any manner of the term of office, deliver to the duly appointed or elected and qualified successor, all books, documents, records, papers, moneys or other property of the City in the Clerk's custody.

f) The City Manager has the authority to appoint and remove the Executive Assistant.

g) Salary. The City Clerk shall receive such salary and compensation as shall from time to time be fixed by ordinance. The City Clerk shall not be entitled to any additional compensation or benefits.

**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 ordinance should be inconsistent with any non-preemptive state law, that this ordinance 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.

**ADOPTED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 14<sup>th</sup> day of October 2019 and approved by me as Mayor on the same day. First Reading passed on September 23, 2019 by a 5-2-1 roll call vote. Aye: Finucane, Fagan, Verbic, Faivre, Mayor Smith. Nay: Morris, McAdams. Absent: Smith. Second Reading passed on October 14, 2019 by a 5-2 roll call vote. Aye: Finucane, Smith, Verbic, Faivre, Mayor Smith. Nay: Morris, McAdams.

**ATTEST:**

  
RUTH A. SCOTT, Executive Assistant

