

CHAPTER 2 CITY COUNCIL

LATEST REVISION: December 28, 2020 (Ordinance 2020-079)

SECTIONS:

- 2.01 CITY COUNCIL.**
- 2.02 MAYOR, VOTING POWER.**
- 2.03 FILLING ALDERMEN VACANCIES.**
- 2.04 COUNCIL MEETINGS.**
- 2.05 SPECIAL MEETINGS.**
- 2.06 DELETED.**
- 2.07 DELETED.**
- 2.08 DELETED.**
- 2.09 AGENDA.**
- 2.10 ORDINANCE AND RESOLUTION PROCEDURE.**
- 2.11 MATTERS OF PUBLIC CONCERN.**
- 2.12 RULES OF ORDER AND PROCEDURE.**
- 2.13 MATTERS REQUIRING VOTE GREATER THAN MAJORITY.**
- 2.14 CITY COUNCIL EXPENSES.**
- 2.15 ELECTED OFFICIALS SALARY REVIEW.**

2.01 CITY COUNCIL.

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 official proclamation of the results of the regular municipal election at which the officers were elected.

2.02 MAYOR, VOTING POWER.

The Mayor of the City of DeKalb shall vote where authorized or required under 65 ILCS 5/5-3-5. The Mayor may recuse himself from any action where such recusal is required or permitted by law. Any Alderman serving as Acting Mayor or Mayor Pro Tem shall be authorized to vote as an Alderman of the City but shall not be authorized to vote utilizing the powers of the Mayor under this Section 2.02.

2.03 FILLING ALDERMEN VACANCIES.

Vacancies in the office of Alderman in the City of DeKalb shall be filled pursuant to the provisions of 65 ILCS 5/3.1-10-50.

2.04 COUNCIL MEETINGS.

- a) Regular meetings of the City Council shall be held on the second and fourth Mondays of each and every month, not commencing before 6:00 p.m. The City Council shall annually approve a meeting schedule outlining the anticipated Regular meetings for each year in accordance with the requirements of the Open Meetings Act (“the Act”). The City Council reserves the right to alter the date, time or location of City Council meetings from time to time and reserves the right to schedule additional or Special meetings, provided that the public receives notice of such alternate time or location in accordance with the requirements of the Act.
- b) At all Regular meetings of the City Council, the Council shall proceed to the business before them, which shall be conducted in the order as listed on the agenda for the meeting. Said agenda shall commence with Roll Call, the recital of the Pledge of Allegiance, the Approval of the Agenda and Public Participation, and shall conclude with Adjournment. The Agenda may also include other aspects of City business that may be necessary or advisable. The order of said items shall be determined by the City Manager, giving priority to public transparency, convenience to meeting participants and attendees, and the relationship between various items listed on the agenda.
- c) The City Manager may place any item on the Consent Agenda for consideration of approval. Each member of City Council shall have the right to remove any matter from the Consent Agenda at a City Council meeting and may entertain requests from the public for such removal. Items so removed during a meeting shall be moved on the agenda for separate consideration. Each item remaining on the Consent Agenda shall 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. A single motion may be utilized to both approve the consent agenda listing and approve the individual items contained therein.
- d) The public shall have the right to speak to the City Council. 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.
 1. Persons wishing to offer public comment shall have the right to speak under Public Participation and may speak to any item germane to the City Council or public concerns, including but not limited to items listed for consideration or approval on the agenda. Public Participation shall also be utilized for persons wishing to speak to an item listed on the consent agenda, or to any topic not listed as an item for separate action. Persons wishing to comment under Public Participation shall submit a Speaker Request Form prior to the start of the meeting. In addition, persons wishing to offer public comment shall have the right to speak at the time of presentation of any item for separate action. Persons wishing to so comment shall provide a Speaker Request Form prior to presentation of the item in question and be afforded the opportunity to comment after a motion is made and prior to staff presentation. No person providing public comment shall be permitted to address any individual item more than once during the meeting (e.g., a person cannot address an item for separate action under Public Participation and at time of presentation of the item).

2. In the case of any agenda item presented to the Council for consideration or approval, any person who has a unique, direct, and personal interest or standing relative to such item (e.g., an applicant for a license or a petitioner for a rezoning) may also request to be recognized to speak at the time that the item is presented. Such person shall provide their request to be recognized to the Mayor in advance of the meeting, and approval of such request shall be in the Mayor's sole discretion. If such person fails to make a request or if the request is not approved, such person may speak under Public Participation but may not be called upon to speak to the item at time of its presentation at the discretion of the Mayor.
 3. The Council shall have no obligation to respond to public comments. Public comments shall be limited to three (3) minutes per speaker, with that limitation applying per time addressing the Council (with the right to address the Council only one time per agenda item or topic). Speaker Request Forms shall be completed by each member of the public wishing to speak to the City Council and submitted to the City Clerk before the time at which their comment is permitted under these regulations.
 4. Where public comment is provided as a component of a public hearing required by applicable law, the three-minute speaking limitation shall not be enforced during the public hearing, but the presiding officer at the public hearing shall have the ability to limit duplicative, cumulative or irrelevant testimony. Testimony received at a public hearing must be limited in scope to matters germane to the conduct of that public hearing. Persons who engage in violations of these regulations shall be asked to conform to the regulations or discontinue their comments and, failing such remedial action, may be removed from a meeting.
 5. The provisions of this subsection (d) shall be read to apply to City Council meetings of the City of DeKalb, and also to meetings of all public committees and subsidiary public bodies of the City Council or City of DeKalb including but not limited to the Planning and Zoning Commission (and in such instances, references to the City Council shall be deemed to refer to the subsidiary body). The adoption of this subsection (d) shall be deemed to expressly constitute the adoption of these rules as rules binding upon the conduct of any meeting of a public body of the City or City Council. Any agenda of any such public body shall be deemed, by the adoption of this subsection (d), to provide an opportunity for public comment in accordance with these regulations, whether or not such opportunity is expressly designated via the public body's meeting agenda. Persons seeking the opportunity to provide public comment shall notify the clerk or presiding officer at the meeting at which they seek to comment.
- 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. The City Council may waive second reading and approve an item by virtue of a single motion and vote.

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 a Special meeting notice in writing shall be given to each Alderman who has not joined in calling such meeting. Such notice shall be issued by the City Manager or designee thereof. 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.

- b) Discussion, Planning and Vision Meetings: In addition to all other meetings contemplated herein, the City Council shall conduct one or more special meetings annually for the purpose of discussion, planning and visioning. One or more of the meetings may be conducted as a City Council retreat, if acceptable to the City Council. Such meetings shall be conducted pursuant to the Open Meetings Act. The Council shall determine the date and time of such meeting(s), and the City Manager shall prepare an agenda for the same. No votes other than procedural votes (e.g., approval of agenda, adjournment) shall be taken at such meetings, and no other action items shall be voted upon or approved.

2.06 DELETED.

2.07 DELETED.

2.08 DELETED.

2.09 AGENDA.

- a) Any two (2) or more City Council members desiring that a matter be placed on a Regular 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 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 meeting.

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) 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. The Mayor shall not be required to read the entirety of an item title, provided that the alphanumeric listing from the agenda is utilized along with a reasonable description of the item in question.

2.11 MATTERS OF PUBLIC CONCERN.

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.
- 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 quorum of the corporate authorities are not present, those present 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) The Mayor shall be the presiding officer at all meetings of the Council.
- 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 of the rights and powers of the Mayor, but shall vote only as an Alderman and not as an Alderman and as Mayor.
- 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.
- h) Duties of Members.
 - 1. While the presiding officer is putting the question, no member shall walk out of the room where the meeting is being held.
 - 2. Every member, previous to speaking, making a motion or seconding the same, shall address themselves to the presiding officer and say: "Mayor", and shall not proceed with their remarks until recognized and named by the Chair. They shall confine themselves 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.

5. The Aldermen may, by two-thirds (2/3) 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 alcoholic beverage during a Council meeting.
7. If a member has a direct financial interest or other interest that creates a legally recognizable conflict of interests, the member shall leave the dais prior to consideration of the item. The member shall not be counted towards a quorum for that portion of the meeting and shall not be reflected in any form of voting that is conducted with regard to that portion of the meeting. The member may address the Council during that portion of the meeting as a member of the public but shall expressly indicate that his comments are limited to being a member of the public (and shall be subject to all rules applicable to public comments). Following the conclusion of that item of business, the member shall be entitled to rejoin the dais and be included in the quorum and any further discussion or action items.
 - 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 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.
 - 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) Making, Seconding and Withdrawing Motions: Any Alderman present may make a motion at an appropriate time by affirmatively and expressly indicating the intent to make a motion. In circumstances where the Mayor has requested a motion in accordance with the stated motion or approval proposed by an agenda item, a motion shall be made by stating "so moved." In circumstances where alternate language is proposed for a motion, the motion shall be made by stating, "I move that," followed by the text of the motion. A second to any motion shall be made only by saying "second" or "I second", and speaking to a motion shall not constitute a second. If the maker of the motion desires to withdraw a motion, he or she may do so. The seconder of the motion may either withdraw the second or may him or herself renew the motion and seek a new second.
 - l) 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.
 - m) 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.
 - n) 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 concluded and during the taking of the vote, a member shall be

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

- o) 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.
- p) 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.
 - 3. When a motion for reconsideration is voted upon, a roll-call vote on said motion shall be taken. Approval of a motion for reconsideration shall only require a simple majority of City Council, regardless of the vote required to change the underlying action. The vote on a motion for reconsideration shall only determine whether the item or action in question should be reconsidered and shall not redetermine the item or action. If a motion for reconsideration fails, the underlying action shall be unchanged. If the motion for reconsideration passes, the underlying item or action shall be reconsidered in a separate vote. Passage or approval of the item or action shall require the affirmative vote originally required for such action (e.g., a vote that originally required a majority shall require a majority, a vote that originally required a supermajority shall require a supermajority).
- q) The Minutes. The Clerk shall keep the minutes of the Council meetings. The minutes of each Council meeting shall be approved not later than 30 days after the meeting or at the Council's second subsequent Regular meeting, whichever is later. 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. The Clerk shall be responsible for recording and keeping record of all meetings of Council where required by law. In the absence of the Clerk, the Council may appoint a recording secretary to assume said duties.
- r) Style of Ordinances. The style of all ordinances shall be: "BE IT ORDAINED BY THE CITY COUNCIL of...", as is provided by Statutes.
- s) "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.
- t) 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.

- u) 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, 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.
- v) Record of Ordinances. The Clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.
- w) 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.
- x) 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 (2/3) 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.
- y) 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.
- z) 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. Robert's Rules are adopted pursuant to the City's home rule authority and shall govern except where they are expressly superseded by the Statutes or

law of the State. The provisions outlined in this Chapter 2 shall supersede Robert's Rules where any inconsistency exists.

- aa) 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 (2/3) 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.
- ab) Authority of the Chair: The chair of any meeting shall be authorized to suspend comments by or to interrupt any speaker who engages in any disruptive, insulting or unlawful behavior, and to suspend all or any part of the Rules for Public Comment, to the extent permitted by law. The chair shall also be permitted to exercise any authority permitted under other sections of the City Code, the Illinois Municipal Code, or Roberts Rules of Order. The chair shall be permitted to promulgate other rules as deemed necessary to prevent duplicative comments or to ensure that comments received relate to public business of the City, or the topic(s) or issue(s) then under discussion.

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 (3/4) 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 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) 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. No expense shall be reimbursed except in accordance with then-applicable City policies and procedures, as well as applicable state or federal law.
- 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.

2.15 ELECTED OFFICIALS SALARY REVIEW.

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.