

AMENDING CHAPTER 4 "POLICE DEPARTMENT", SECTION 4.13 "POLICE PENSION BOARD", OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS AS IT PERTAINS TO THE RESIDENCY OF MEMBERS OF THE POLICE PENSION BOARD APPOINTED BY THE MAYOR.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government which 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, Chapter 4 "Police Department", Section 13 "Police Pension Board" of the City's Municipal Code establishes the Board of Trustees of the Police Pension Fund of the City of DeKalb (the "Police Pension Board") as provided by 40 ILCS 5/3-101, et seq. (the "Pension Code"); and

WHEREAS, the Mayor appoints two members of the Police Pension Board as provided by 40 ILCS 5/3-128; and

WHEREAS, Article 3 of the Pension Code does not prohibit the Mayor from appointing members of the Police Pension Board who may not be qualified electors or residents of the City; and

WHEREAS, the City's Corporate Authorities find that it is in the best interests of the City's welfare, public health, and safety to amend the City's Municipal Code to expressly allow the Mayor to appoint members of the Police Pension Board who may not be qualified electors or residents of the City; and

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

SECTION 1: The recitals to this Ordinance are true, material, adopted, and incorporated herein as Section 1 to this Ordinance.

SECTION 2: The City's Corporate Authorities adopt and approve an amendment to Chapter 4 "Police Department", Section 13 "Police Pension Board" of the City's Municipal Code to state in its entirety as follows:

4.13 POLICE PENSION BOARD.

There is hereby established in the City a Police Pension Fund in accordance with 40 ILCS 5/3-101 et seq. The pension fund shall be administered by a Board of Trustees (the "Police Pension Board") as provided by said 40 ILCS 5/3-101 et seq. The Mayor may appoint members of the Police Pension Board who reside outside of the City's corporate limits, provided that said appointee establishes residency within the City's corporate limits within 12 months of said appointment.

SECTION 3: 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 4: That the City Clerk and/or Executive Assistant be authorized to attest the Mayor's signature and that this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

First Reading passed on August 10, 2020 by a 7-1 roll call vote. Aye: Morris, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: Finucane. No Action Taken: On August 24, 2020 the agenda was amended and the item removed by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.