

**AMENDING VARIOUS CHAPTERS OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE AS IT PERTAINS TO BOARDS, COMMISSIONS AND COMMITTEES, OPEN MEETINGS ACT TRAINING, PUBLIC PARTICIPATION, REMOVAL OF A MEMBER, AND TERM LIMITS.**

**WHEREAS**, the City of DeKalb (the "City") is a home rule unit of local government and 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's corporate authorities find that it is in the City's best interests for the protection of the public health, morals and welfare to amend Chapter 2 "City Council", Chapter 3 "City Administration", Chapter 21 "Combined Planning and Zoning Commission", Chapter 22 "Building Code Review Board", Chapter 44 "Landmark Commission", Chapter 45 "Airport Advisory Board", Chapter 46 "Citizen Police Review Board", Chapter 49 Human Relations Commission", Chapter 50 "Citizens' Environmental Commission", Chapter 54 "Financial Administration", Chapter 59 "Economic Development Commission", and Chapter 65 "Citizens' Community Enhancement Commission", of the DeKalb Municipal Code, pursuant to the provisions of this ordinance; and

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

**SECTION 1:** The City's corporate authorities adopt and approve amendments to Chapter 2 "City Council", Chapter 3 "City Administration", Chapter 21 "Combined Planning and Zoning Commission", Chapter 22 "Building Code Review Board", Chapter 44 "Landmark Commission", Chapter 45 "Airport Advisory Board", Chapter 46 "Citizen Police Review Board", Chapter 49 Human Relations Commission", Chapter 50 "Citizens' Environmental Commission", Chapter 54 "Financial Administration", Chapter 59 "Economic Development Commission", and Chapter 65 "Citizens' Community Enhancement Commission", of the DeKalb Municipal Code as set forth in Group Exhibit A attached hereto and incorporated herein by reference.

**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 City's corporate authorities that to the extent this Ordinance is inconsistent with any non-preemptive state law, 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.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 9<sup>th</sup> day of January 2023 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.



  
COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

## **CHAPTER 2 CITY COUNCIL**

**Latest Revision:** July 25, 2022 (Ordinance 2022-030)

### **SECTIONS:**

- 2.01 CITY COUNCIL.**
- 2.02 MAYOR, VOTING POWER.**
- 2.03 FILLING ALDERMEN VACANCIES.**
- 2.04 COUNCIL MEETINGS.**
- 2.05 SPECIAL MEETINGS.**
- 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~~ Recording Secretary 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~~ Recording Secretary 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.

#### **2.09 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 is not present, those members present shall adjourn to some time to be fixed by the members present, and it shall be the duty of the City

Council's Recording Secretary 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 Council's Recording Secretary 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 City Council's Recording Secretary 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 said member's and shall respond to the calling of said member's name 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 City Council's Recording Secretary, 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 and the~~ City Council's Recording Secretary shall keep the minutes of the Council meetings; provided, however, that the Council shall approve one (1) draft of the minutes for each Council meeting. 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 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 and the~~ City Council's Recording Secretary shall be responsible for recording and keeping record of all meetings of Council where required by law. ~~In addition to Clerk, the~~ The Mayor may appoint, with the advice and consent of the Council, any City officer to serve as the Council's Recording Secretary.
- 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 Recording Secretary and the City Council's Recording Secretary~~. 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 and the~~ City Council's Recording Secretary 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 officer, or any member of a committee, commission, board or the City 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.

- ac) Attendance by a Means Other Than Physical Presence. If a quorum of the City's corporate authorities is physically present, a majority of said quorum may vote to allow a member of the City's corporate authorities to attend the meeting by video, audio conference, or other means, if the members is prevented from physically attending the meeting because of: (i) personal illness or disability; (ii) employment purposes or the business of the City; or (iii) a family or other emergency. If a member wishes to attend a meeting by other means, the member must notify the Recording Secretary before the meeting unless advance notice is impractical.

### **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.

**CHAPTER 3  
"CITY ADMINISTRATION"**

**Latest Revision:** November 22, 2021 (Ordinance 2021-049)

**Sections:**

- 3.01 ELECTIONS AND REGISTRATION OF VOTERS.**
- 3.02 PERSONS ENTITLED TO VOTE.**
- 3.02-5 REDISTRICTING THE CITY.**
- 3.03 GENERAL ELECTIONS.**
- 3.04 WARDS.**
- 3.05 MANAGERIAL FORM OF GOVERNMENT.**
- 3.06 MAYOR.**
- 3.07 CITY MANAGER.**
- 3.08 POWERS AND DUTIES OF THE CITY MANAGER.**
- 3.08-5 ASSISTANT CITY MANAGER.**
- 3.09 POWERS OF THE MAYOR AND COUNCIL.**
- 3.10 SCOPE OF DEPARTMENTS.**
- 3.11 POWERS AND DUTIES OF APPOINTIVE OFFICERS AND EMPLOYEES.**
- 3.13 AUDIT.**
- 3.14 CITY CLERK.**
- 3.15 COMMUNITY DEVELOPMENT.**
- 3.17 CITY ATTORNEY.**
- 3.18 DEPARTMENT OF PUBLIC WORKS.**
- 3.19 BOARD OF LOCAL IMPROVEMENTS.**
- 3.20 BOARD OF FIRE AND POLICE COMMISSIONERS.**
- 3.22 ACTS OF AGENTS OR EMPLOYEES; LIABILITY OF LICENSEE; KNOWLEDGE.**
- 3.25 FEES TO CITY TREASURY.**
- 3.26 LEGAL DEFENSE AND INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES.**
- 3.27 CITY SEAL.**
- 3.28 SURETY BONDS.**
- 3.30 INSURANCE POLICIES AND CLAIMS SERVICE AGREEMENTS.**
- 3.31 MUNICIPAL RETIREMENT FUND AGENT.**
- 3.32 HARDSHIP RETIREMENT ASSISTANCE.**
- 3.33 ESDA DISASTER PLAN.**
- 3.40 COMPENSATION.**
- 3.46 RESIDENCY REQUIREMENTS FOR EMPLOYEES AND OFFICERS.**

**3.01 ELECTIONS AND REGISTRATION OF VOTERS.**

- a) The City of DeKalb has not adopted and is not operating under the provisions of Articles 6, 14 and 18 of the Election Code of the Illinois Compiled Statutes, Chapter 10.
- b) Pursuant to Article 4 of the Election Code of the State of Illinois, this city adopts the system of registration of voters maintained by the County Clerk of DeKalb County and makes the same applicable to all elections held in the city.
- c) Article 4 of the Election Code of the State of Illinois (10 ILCS 5/4) be, and the same is hereby

adopted and made applicable to all elections held in the City of DeKalb for the nomination at a primary and the election of officers of the city.

- d) A certified copy of this section shall be filed in the office of the County Clerk of DeKalb County by the City Clerk.

### **3.02 PERSONS ENTITLED TO VOTE.**

All persons who are entitled to vote at any general election for state officers, and who have a permanent abode within the city may vote therein at any election for city officers.

#### **3.02-5 REDISTRICTING THE CITY.**

The wards of the City of DeKalb as heretofore established and as may hereafter be established shall be reapportioned according to population. In the formation of the reapportioned wards the population of each shall be as nearly equal as possible, and the wards shall be of as compact and contiguous territory, as possible. The method for reapportionment shall be as follows:

That whenever pursuant to Article I, Section 2 of the United States Constitution, there shall be taken an actual Enumeration within every 10 years in such manner as the Congress of the United States shall by law direct, the City Council shall, by using the census tracts derived from said Enumeration, apportion the population among the wards accordingly. Said reapportionment of population shall be completed within two years following the Federal decennial year and no later than October 1 of the current year (1972) and by that day and month every subsequent ten years hereafter.

### **3.03 GENERAL ELECTIONS.**

A general election for city officers shall be held on the first Tuesday of April of every odd numbered years. (1982-080)

### **3.04 WARDS.**

The wards of the City of DeKalb as designated in the "Official Ward Map", a copy of which is on file in the Office of the City Clerk, are hereby established and shall be the election districts for all municipal elections hereafter held in the City of DeKalb. Said Official Ward Map shall be periodically revised as new territory is annexed to the City. An official copy of said map shall be on display and available in the office of the City Clerk, who shall also be responsible for providing a copy to the DeKalb County Clerk, as the Consolidated Elections Official, at least sixty (60) days prior to each municipal election date. (1998-028)

### **3.05 MANAGERIAL FORM OF GOVERNMENT.**

The City shall be governed under the managerial form of municipal government under the provisions of the Illinois Municipal Code, Article 5.

### **3.06 MAYOR.**

- a) Oath. The Mayor shall, before entering upon the duties of office, take and subscribe to the oath prescribed by law for city officers. (2014-024; 2015-016)
- b) Tax Sales. The Mayor, or designee, is hereby authorized to attend tax sales in the county and bid there at, in behalf of the City, on any real or personal property offered for sale, to enforce the collection of any tax or special assessment in which the City is interested; and may purchase at

any such sale in behalf of the City. (1997-095)

- c) Part-time Position. The Mayor shall be considered on a part-time basis in carrying out the duties of the office of Mayor. (1980-054)
- d) Power to Appoint Members of Boards, Commissions and Committees. The Mayor shall appoint all members of boards, commissions, committees of the City of DeKalb, with the advice and consent of the City Council, except as otherwise provided in this Code. (1991-073, 1997-095)
- e) Power to Remove Members of Boards, Commissions and Committees. The Mayor, with a three-fourths majority vote of the Corporate Authorities then holding office, may remove a member of any board, commission or committee, at any regular Council meeting.
- f) Power to Approve Intergovernmental Agreements. In the event that the Mayor determines that circumstances relating to a proposed intergovernmental agreement are such that the proposed agreement requires action that cannot be delayed until the next available agenda for a regularly scheduled meeting of the City Council of the City of DeKalb, the Mayor or a designee thereof shall be authorized to sign, approve and enter into such agreement on behalf of the City, provided that: 1) the agreement has a term that is equal to or shorter than the remaining then-current term of office of the Mayor; 2) the agreement does not involve the expenditure of funds in excess of the then-current City Manager's spending authority; 3) the agreement does not involve the expenditure of funds in excess of the amounts budgeted, appropriated and otherwise available for the intended purpose; and, 4) the proposed agreement is an intergovernmental agreement pursuant to Illinois law, with another public entity or association or coalition thereof. For purposes of this Agreement, use of budgeted City staff time and/or otherwise budgeted City resources or consumables (e.g., use of previously authorized and purchased salt to aid another unit of local government during a snow emergency), shall not be counted towards the value of the expenditure at issue. (2012-054, 2014-024)

### **3.07 CITY MANAGER.**

- a) Creation of Office. There is hereby created the office of City Manager, an administrative office of the City of DeKalb.
- b) Appointment and Removal. The City Manager shall be appointed by the Mayor and Council voting jointly. The City Manager shall serve and hold office for a term of office specified by virtue of an employment agreement. The City Manager shall be entitled to the benefits provided in this Chapter 3, unless specific benefits are approved or precluded by the City Council in an employment agreement. The City Council may approve an employment agreement with the City Manager that exceeds the term of the Mayor holding office at the time the agreement is executed. The City Manager shall be appointed without regard to political or religious beliefs and shall be chosen solely on the basis of executive and administrative qualifications, with special reference to training and actual experience in, and knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth. At the time of appointment, the City Manager need not be a resident of the City but shall become a resident after taking office and shall reside in the City during the remainder of tenure. (2014-002)

The City Manager may be removed pursuant to the terms of the then-current City Manager employment agreement. (2014-002)

During the absence or disability for any reason of the City Manager, the Assistant City Manager shall perform the duties of the position of City Manager, until such time as the City Council shall appoint an alternate. During any short-term or planned absence of the City Manager, the City

Manager shall appoint an interim manager from among the City's Department Heads or their subordinates. Any such Acting City Manager shall have the full authority of the City Manager during their term of service as Acting City Manager. (2014-002, 2014-024)

- c) Bond. The City Manager shall execute a bond in the amount of \$1,000 conditioned upon the faithful performance of duties, with a surety company as surety thereon. Such bond shall be approved and filed with the City and the cost thereof shall be borne by the City. (2004-004, 2015-016)
- d) Interest in Contracts. The City Manager shall not be interested directly or indirectly in any contract, work or business of the City, or in the sale of any article to the City, or in the purchase of any property belonging to the City, or sold for taxes or assessments, or sold by virtue of legal process at the suit of the City. (1977-038, 2004-004)

### **3.08 POWERS AND DUTIES OF THE CITY MANAGER.**

The City Manager shall be the chief administrative officer of the city government with powers and duties as follows: (2014-024)

- a) The City Manager shall supervise and be responsible to the Council for the proper management and efficient operation of all City Departments, except to the extent that jurisdiction over the functions and employees of said departments and offices are expressly vested in others by statute. (1997-095, 2004-046, 2005-006, 2005-076, 2014-024)
- b) The City Manager shall cooperate with the City Clerk, and other elected officials and shall render to them all such assistance as possible in the performance of their respective duties. The City Manager shall cooperate with the Plan Commission, the Board of Appeals, the Library Board, the Board of Fire and Police Commissioners and other administrative or quasi-judicial boards and commissions which may be appointed from time to time by the Mayor or Council. (2004-046, 2014-024)
- c) The City Manager shall appoint and remove all officers, department heads and employees of the City; and that employees of the library shall be appointed by the Library Board, and policemen and firemen shall be appointed by the Board of Fire and Police Commissioners, taking into consideration the recommendation of the Manager. (1997-095, 2004-046, 2014-024)
- d) The City Manager shall be the chief law enforcement officer of the city and shall see that all laws and ordinances of the City of DeKalb and State of Illinois are enforced. (2014-024)
- e) The City Manager shall prepare and present to the Council at the end of each fiscal year an annual budget indicating an estimate of income and expenditure for the ensuing year for the consideration of the Council. The City Manager shall also be responsible for the preparation of the annual appropriation and tax levy ordinances. The City Manager shall have supervision over the accounting work of the city and shall cause to be kept a full and complete book of accounts showing the exact condition of the financial affairs of the city to the extent that such supervision is not vested in the Treasurer by the Illinois Compiled Statutes. (2014-024)
- f) The City Manager shall keep current inventories showing all the property and equipment of the city and be responsible for its care and custody. (2014-024)
- g) The City Manager shall grant all licenses except as otherwise provided by Illinois Compiled Statutes or by the DeKalb Municipal Code. All licenses issued by the City Manager shall comply in all respect to ordinances of the City of DeKalb and Illinois Compiled Statutes and shall be issued only to such persons as shall be deemed qualified to be licensed. (2004-046, 2014-024)

- h) The City Manager shall attend all the regular and special meetings of the Council unless excused by the Council. The City Manager or a staff liaison shall attend all regular and special meetings of the boards or commissions now in effect or which may be appointed in the future. (2014-024)
- i) The City Manager shall render a monthly report to the Council covering the work of each department or operation of the City. The City Manager shall also, as soon as possible, after the end of each fiscal year of the city prepare a written report summarizing the work of such fiscal year. (2014-024)
- j) The City Manager shall cause to be rendered, in cooperation with the Treasurer, monthly statements showing the exact financial condition of the city at the end of the preceding month and a financial statement for each fiscal year. (2014-024)
- k) The City Manager shall from time to time make recommendations to the Council relative to the adoption of such ordinances and resolutions as may be deemed necessary or expedient in the best interest of the City of DeKalb together with such special reports as he may deem advisable or as the Council requests. (2014-024)
- l) The City Manager shall devote all time to the discharge of duties during reasonable hours. (2014-024)
- m) The City Manager shall have the authority to dispose, sell or give away personal property of the City of DeKalb pursuant to City Code Section 54.16. The City Manager shall keep records of all dispositions of personal property accomplished under this section and shall annually report such dispositions to the City Council. (1989-054, 2014-024)
- n) The City Manager shall perform such other duties as may be required by the Council not inconsistent with the ordinances of the City of DeKalb or Illinois Compiled Statutes. In the event of any vacancy in any Department Head position, the City Manager shall have the authority to serve as Acting Department Head, or to appoint a City Employee for said purpose. Any authority of any Department Head of the City of DeKalb or subordinate employee thereof is derived from the authority of the City Manager and is subject to the oversight and supervision of the City Manager. (2014-024)
- o) The City Manager shall have the authority to waive otherwise applicable City fees, including but not limited to building permit fees, plan review fees, application fees, or other fees whatsoever, up to the limit of the City Manager's spending authority, for projects or initiatives of other units of government, projects on City property or in City-owned buildings, or projects relating to the Egyptian Theatre, provided that any expenditures incurred are within the then-current budget. Further, the City Manager may waive any otherwise applicable fee for any City project, without regard to cost. The City Manager shall make a written report to the City Council following any such waiver. (2014-039)

### **3.08-5 ASSISTANT CITY MANAGER.**

There is hereby created the position of Assistant City Manager, who shall be appointed and removed at the discretion of the City Manager. The Assistant City Manager shall have those duties and responsibilities as assigned by the City Manager, including, but not limited to, serving as Acting City Manager in the City Manager's absence, coordinating collective bargaining activities, assisting the City Manager with general administrative matters, providing professional assistance to various City boards and commissions and coordinating various special projects. (1987-063, 2004-046, 2005-006, 2014-024)



### **3.09 POWERS OF THE MAYOR AND COUNCIL.**

The powers of the Council shall be purely legislative. However, all functions, powers, and duties conferred or imposed upon the City Manager shall be subject to the superior right and power of the Mayor and Council to govern the city. All acts of the City Manager performed pursuant to this chapter shall, unless otherwise expressly provided be final and conclusive unless and until superseded by the action of the Council.

### **3.10 SCOPE OF DEPARTMENTS.**

The scope, duties, organization, and functions of administrative city departments and divisions thereof shall be determined by the City Manager taking into consideration the recommendations of the affected department head, consistent with generally accepted management principles, methods and procedures. (2014-024)

### **3.11 POWERS AND DUTIES OF APPOINTIVE OFFICERS AND EMPLOYEES.**

All appointive officers and employees shall have such powers and duties as determined by the Illinois Compiled Statutes or as established by ordinance. (1997-095)

### **3.13 AUDIT.**

At the close of each fiscal year an independent audit of all city accounts shall be conducted independently of the City Manager, Assistant City Manager and Finance Director. Such audit shall be made by Certified Public Accountants, selected by the Council, licensed by the State of Illinois, and fully experienced in municipal accounting. Copies of such audit shall be made available for public inspection and filed with the City Clerk. (2005-06, 2014-024)

### **3.14 CITY CLERK. (2019-059)**

- 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: Acting as the Recording Secretary to the City Council by taking and preparing minutes of the City Council's meetings; faithfully recording the results of resolutions, ordinances and other actions approved by the City Council in said minutes and journal; overseeing the review, approval and release of all Executive Session minutes; 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.

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 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 and Executive Assistant shall at all times allow each other access to the City's corporate seals and the journal.
- e) Documents to Successor. The City Clerk and Executive Assistant 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 their 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.

### **3.15 COMMUNITY DEVELOPMENT.**

- a) There is hereby created the position of Community Development Director, who shall be appointed and removed at the discretion of the City Manager. The Community Development Director shall have those duties and responsibilities as assigned by the City Manager. Planning and Economic Development within the City of DeKalb shall be under the direction and supervision of the Community Development Director. The duties of other City employees under the supervision of the Community Development Director who have responsibilities relating to Planning and Economic Development shall be as assigned by the Community Development Director from time to time. (2014-024)
- b) Duties of the Community Development Director. The Community Development Director shall devote all productive time to the duties of the City at all reasonable hours and in particular shall: (2014-024)
  - 1. Exercise general supervisory responsibility for the enforcement of adopted developmental regulations, including, but not limited to: zoning, subdivision and planning regulations of the City of DeKalb.
  - 2. Provide for and maintain a Comprehensive Plan and a Unified Development Ordinance for

the City of DeKalb.

3. Coordinate the current and long-term planning activities for the City of DeKalb.
  4. Attend, or provide for a designee to attend, all regular and special meetings of the Plan Commission and any other boards or commissions as may be assigned by the City Manager, providing staff assistance to all such boards and commissions.
  5. Provide for programs, activities and services to facilitate neighborhood improvement or preservation, address housing needs and facilitate orderly community growth and development.
  6. Perform other duties and responsibilities as may be required by the City Manager. (2014-024)
  7. Whenever, throughout this Municipal Code, the title of Chief Planning Official, Building Official, Planning and Economic Development Official, or City Planner is used, such title shall mean the Community Development Director. (2014-024)
  8. The Community Development Director shall coordinate, supervise and oversee the economic development activities of the City and shall coordinate with other local entities involved in economic development within the City. (2014-024)
  9. The Community Development Director may delegate all or some of the duties outlined above to other City employees within the Community Development Department from time to time. (2014-024)
- c) Additional duties of the community Development Director shall include coordinating the building issues with regard to private and public property within the City. The Director shall:
1. Exercise general supervisory responsibility for the enforcement of adopted codes including, but not limited to building, plumbing, electrical, mechanical, fire prevention, existing structures, handicap accessibility, traffic control, drainage and nuisance regulation of the City. (2014-024)
  2. Provide for the inspections of new and existing structures as required by the Municipal Code. (2014-024)
  3. Attend, or provide for a designee to attend, all regular and special meetings of the Zoning Board of Appeals, Building Board of Appeals, Plumbing Board of Appeals, Electrical Commission and any other boards or commissions as may be assigned by the City Manager, and provide for staff assistance to all such boards and commissions. (2014-024)

### **3.17 CITY ATTORNEY. (2014-002)**

The City shall obtain legal services by virtue of a written agreement with an attorney licensed to practice law in the State of Illinois. The City Attorney shall undertake all actions directed or authorized by the Mayor and City Council and shall work under the supervision and direction of the Mayor and City Council. The City Attorney shall work cooperatively with all City officers, employees and departments. The City Attorney shall prepare such contracts, ordinances or other documents as may be required by the City from time to time. The City Attorney shall also serve as prosecutor of any violations of City Code or Ordinance.

### **3.18 DEPARTMENT OF PUBLIC WORKS.**

- a) Establishment. There is hereby created the Department of Public Works for the City. This department shall consist of the Director of Public Works and such other officers and employees as may be provided by the City Council. (2004-046)
- b) Director of Public Works. There is hereby created the office of Director of Public Works, who shall be appointed and removed at the discretion of the City Manager. The City Manager shall serve as ex-officio Director of Public Works until this office is filled by appointment. The director shall have control and supervision over all officers and employees assigned to the department subject to the control of the City Manager. (2004-046)
- c) Functions. The Director of Public Works shall have charge of and supervision over all public property owned by the City, including all streets, sidewalks, alleys, public ways, parks, parkways, municipal buildings and all other property of the City not specifically assigned to some other officer. (2004-046)
- d) The Director of Public Works shall have charge of, and be responsible for the care, maintenance and operation of the City water distribution system; storm water and sanitary sewer systems owned by the City and all street and sidewalk drainage. (2004-046, 2014-024)
- e) The Director of Public Works shall have charge of the street lighting system, and shall be responsible for the maintenance, repair and extension thereof. (2004-046, 2014-024)
- f) All physical properties of the City, including the water distribution, parks, playgrounds, and all municipal utilities not assigned to some other department or officer are assigned to the Director of Public Works. (2004-046)
- g) All construction, repair or extension of any, building, sewer, or lighting system, water mains, and any appurtenances thereto, and all other construction, repair or maintenance work conducted by the City, shall be done by or under the supervision of the Director of Public Works unless specific direction to the contrary is made by the City Council. (2004-046)
- h) The Director of Public Works shall have charge of the agreement/contractor responsible for collection and disposal of garbage and refuse. (2004-046, 2014-024)
- i) The Director of Public Works shall have charge of and be responsible for the condition of all motor vehicles, trucks and other equipment of the City; and of all buildings or places in which the same are housed or kept. (2004-046, 2014-024)
- j) The Director of Public Works shall have charge and custody of all physical property of the City, other than records, not assigned to some other officer or employee. Subject to the supervision of the City Manager, the Director of Public Works shall have charge of the operation of the water distribution system, the sewer system and disposal plant, and the care and maintenance of streets. (2004-046, 2014-024)
- k) The Director of Public Works shall have care and custody of all City owned buildings. (1977-039, 2004-046, 2014-024)
- l) Additional duties of the Director of Public Works shall include coordinating Environmental Pollution Control issues. The Director shall:
  - 1. Be responsible to the Environmental Pollution Control Commission for the day-to-day

administration of environmental pollution control laws now or hereafter adopted by the City of DeKalb; and

2. Investigate complaints of violations of environmental pollution control laws now or hereafter adopted by the City of DeKalb and to make inspections and observations of environmental pollution conditions; and (2014-024)
3. Encourage and conduct studies, investigations and research relating to the biological, physical, chemical, engineering, and meteorological aspects of environmental pollution; and its causes, prevention, control and abatement as the Commission may deem advisable and necessary; and
4. Enlist voluntary cooperation by the public, municipalities, counties, communities, and civic, technical, scientific and education societies; and
5. Provide for the training of City employees in the proper investigation and reporting of complaints about any environmental pollution.

m) The Director of Public Works shall also: (2014-024)

1. Manage the activities of the department in a manner consistent with established policies and procedures pursuant to the direction of the City Manager. (2014-024)
2. Prepare an annual budget for submission to the City Manager; prepare an annual report for submission to the City Manager; and prepare any other studies or reports as may be required by the City Manager. (2014-024)
3. Perform other duties and responsibilities as may be required by the City Manager. (2014-024)
4. Supervise all construction, repair or extension of any pavement and roadways. The Director of Public Works shall review and recommend approval, amendments, or alterations relating to surface drainage, land alteration and erosion control, storm water control, traffic control and traffic studies, parking issues, and floodplain and wetland issues. The Director of Public Works shall have charge of and supervision over assuring conformance of activities meeting engineering standards for bridges, sidewalks, traffic signals, water facilities, parking lots, and extensions of streets, alleys, and sewers. (2004-046, 2014-024)

### **3.19 BOARD OF LOCAL IMPROVEMENTS.**

- a) There shall be a Board of Local Improvements to be composed of the Mayor and four members appointed by the Mayor with the consent of the City Council (at such times as the City has a need for such Board pursuant to applicable laws). (2014-024)

**Training:** Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).

**Compensation:** Each member shall serve without compensation.

**Removal:** The Mayor, with a three-fourths (3/4) majority vote of the City Council members then holding office, may remove a member at any Regular City Council meeting.

**Meetings:** The Board of Local Improvements shall meet as needed. Persons wishing to make

public comment during a meeting shall be limited to three (3) minutes.

- b) In making a local improvement by special assessment, the Board of Local Improvements, the Mayor and the City Council shall follow the procedures set forth in 65 ILCS 5/9-2-1 et.seq. with amendments thereto adopted prior to the adoption of this Section. Said Division 2 of Article 9 of Chapter 65 is hereby adopted by the City of DeKalb, not less than three (3) copies of said Act having been on file in the office of the City Clerk for not less than fifteen (15) days prior to the adoption of this ordinance. The Board of Local Improvements and the City Council shall have all the powers and duties set forth in said Statute, incorporated herein by reference. (1977-038)

### **3.20 BOARD OF FIRE AND POLICE COMMISSIONERS. (2012-071)**

- a) There shall be a Board of Fire and Police Commissioners as provided by law, which shall consist of three (3) members whose terms shall be for three (3) years. Such members shall be appointed by the Mayor, with the consent of the Council.

Training: Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).

Compensation: Each member shall serve without compensation.

Removal: The Mayor, with a three-fourths (3/4) majority vote of the City Council members then holding office, may remove a member at any Regular City Council meeting.

Meetings: The Board shall meet as needed. Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

- b) The Board of Fire and Police Commissioners shall have charge of all appointments to the Fire and Police Department, except:
- 1) the Chief of each department;
  - 2) the Assistant or Deputy Chiefs; and
  - 3) Lieutenants or any successively higher rank in the Police Department.

The Board shall conduct and hold all entrance and promotional examinations in the manner required by law. It shall also assume all other duties as provided by the Illinois Compiled Statutes.

- c) The Board of Fire and Police Commissioners shall give promotional preference to, or award credits for military or naval service to individuals seeking promotional appointments within the Fire and Police Departments in accordance with the requirements of Illinois law.
- d) The Board of Fire and Police Commissioners shall be authorized to establish Rules and Procedures for its operation, in accordance with the requirements of Illinois law, with any such Rules and Procedures requiring the approval of the City Manager and the Chiefs of the Fire and Police Departments.

### **3.22 ACTS OF AGENTS OR EMPLOYEES; LIABILITY OF LICENSEE; KNOWLEDGE.**

Every act or omission, of whatsoever nature, constituting a violation of any of the provisions of this Act by any officer, director, manager or other agent or employee of any licensee shall be deemed

and held to be the act of such employer and licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or committed by him personally. (1995-048)

### **3.25 FEES TO CITY TREASURY.**

- a) All officers shall pay all the fees collected by them into the City Treasury. (2014-024)
- b) Any officer violating the provisions of this section shall be personally liable and also liable on any applicable insurance policy of the City, for all moneys received as fees and not paid into the treasury in accordance with the provisions of this Section, and the same may be recovered in an action of debt in the name of the City, in the same manner as fines, penalties and forfeitures may be collected. (1977-004, 2014-024, 2015-016)

### **3.26 LEGAL DEFENSE AND INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES.**

- a) Definitions. For purposes of this Section the term "officer" shall include any elected or appointed official of the City, and the term "employee" shall include all employees of the City, whether under civil service or not; including firemen and policemen. (1986-015)
- b) Indemnification. Any officer or employee who is liable for the payment of any claims or damages, excluding punitive damages, arising out of the course and scope of employment shall be entitled to indemnification by the City provided that the acts or omissions resulting in such liability were done in good faith and without malicious or felonious intent. For the purposes of this Section, the term "arising out of the course and scope of employment" shall not include any action which occurs during a period of time in which the officer or employee is engaged in outside employment or is rendering contractual services to someone other than the City. Whether the acts were done in good faith, without malicious or felonious intent, and within the course and scope of employment shall be determined by the City, and such determination shall be final for the purposes of the representation and indemnity of this Section; provided, however, that in the event such representation and indemnity have been denied by the City, if upon a trial on the merits the City determines that the officer or employee was acting in good faith, without malicious or felonious intent and within the scope of employment the indemnification hereunder shall be granted and reasonable legal expenses incurred in the defense of the claim reimbursed. The City shall not be liable for any settlement of any such claim or suit effected without its consent, and the City reserves the right to assert any defense and make any settlement of any claim or suit that it deems expedient. (1986-015)
- c) Representation in Actions. The City shall have the right and duty to provide legal representation through the City Attorney, or in its discretion through the selection of outside legal counsel, to any officer or employee sued in connection with any claim for damages or other civil action against such person arising out of the course and scope of employment, provided that such officer or employee is entitled to indemnification as set forth in this Section. Such legal representation shall be provided at no cost to the officer or employee, and any officer or employee may have his or her own counsel assist in the defense at the sole expense of the officer or employee. The officer or employee shall cooperate fully with the City in preparation and presentation of the case, and the failure to cooperate shall waive such officer's or employee's right to representation and indemnity under this Section. (1986-015)
- d) City's Defenses. Nothing in this Section shall be construed as waiving the City's defense of governmental immunity to it or its employees or officers in any action brought against the City of such officer or employee. For any suit or claim arising under the Illinois Local Governmental and Governmental Employees Tort Immunity Act, the indemnity provided by this Section shall

be limited to the statutory limits applicable to the City provided in said Act, as amended. (1986-015)

- e) Notice. The provisions of this Section shall apply only where the City has been given notice of the action brought against any City officer or employee within ten (10) days of service of process upon the officer or employee. (1986-015)
- f) Disciplinary Actions. Nothing in this Section shall prevent the City from taking disciplinary action against any officer or employee for conduct defended or indemnified by the City under this Section, either before or after conclusion of the civil suit. (1986-015)
- g) Suits in behalf of the City. Nothing in this Section shall require the City to indemnify any officer or employee for recoveries made against him or her in suits by or on behalf of the City. The City Council may however, authorize the City Attorney or another licensed attorney to represent any officer or employee in a suit brought by a taxpayer in behalf of the City against the officer or employee. (1986-015, 2014-024)

### **3.27 CITY SEAL.**

The seal herein provided is declared to be the common and corporate seal of the City and shall be used in all cases which by the ordinances of the City or by law or custom, it is or may be necessary for the City or any department or officer thereof, to use a seal.

The seal is described as follows: Upon the top of the shield of the Baron DeKalb shall rest the great golden eagle of the State of Illinois and upon the face of the shield, diagonally from the lower left to upper right, a golden strand of barbed wire which shall represent the invention and first manufacture of that product in the City. A white scroll shall be in the upper left section representing the exceptional educational facilities of the City from elementary education through advanced degrees at Northern Illinois State University. Stalks of golden corn, representing the discovery and development of hybrid seed and the many pioneering contributions made to the agricultural industry by citizens and industry of the city, shall occupy the lower section of the seal. The background shall be a ribbon on which shall be inscribed, "DeKalb" and the numbers "1856," said numbers representing the year in which the City was incorporated.

### **3.28 SURETY BONDS.**

Wherever in this code a bond is required to be given to the City, such bond shall have as a surety thereon, a regular surety company authorized and licensed to do business under the laws of the State of Illinois.

### **3.30 INSURANCE POLICIES AND CLAIMS SERVICE AGREEMENTS.**

- a) The City Council may, from time to time, approve the procurement, funding and execution of one or more policies of insurance covering the activities of any or all City property or personnel, in such form of coverage as the City Council shall determine to be appropriate.
- b) In order to provide for the administration of such insurance policies, the City Council may, by ordinance or resolution, approve of a Claims Service Agreement or other similar agreement with an insurance company or other party, whereby the other party agrees to service claims initiated with respect to the City, governed under the terms of the policy or policies of insurance procured by the City, whether within or outside the limits of any deductible or self-insured retention amounts.



- c) Subject to the limit of funds appropriated and budgeted for such purpose and any applicable legal restrictions, the City Council's approval of such a Claims Service Agreement or other similar agreement shall constitute authority for the party that the City has contracted with to expend funds from a City Claim Fund or other reserve fund established by the City in cooperation with such party. Such authorization shall also be restricted to any discretionary authority limits that such agreement imposes on the other party, or any other applicable restrictions imposed by the Claims Services Agreement.
- d) Where approved by ordinance or resolution, the City may authorize a designated representative of the City to exercise supplemental spending authority in excess of any other specifically delegated spending authority, for the limited purpose of increasing the discretionary authority limits relative to individual, discrete claims against or involving the City, in circumstances where such designated representative believes such action is necessary to protect the City's best interests, or to promote the public health, safety or welfare.
- e) All City staff and officials are authorized to take all lawful steps necessary to comply with the terms of any approved policies of insurance or Claims Service Agreements on behalf of the City.
- f) The City of DeKalb shall obtain and maintain in place insurance coverage providing for the faithful performance of the duties of the City Manager, Finance Director, department heads, and all City employees including but not limited to sworn police officers. Said insurance shall also provide for the faithful performance of duties of the elected and appointed officials of the City of DeKalb. Said insurance coverage shall have policy limits as determined by the City Council from time to time. (2015-016)

### **3.31 MUNICIPAL RETIREMENT FUND AGENT.**

- a) Name. There is hereby created and established the position of Municipal Retirement Fund Agent.
- b) Duties. The Municipal Retirement Fund Agent shall be the official agent of the City of DeKalb in all matters concerning the Illinois Municipal Retirement Fund, and said Agent shall, on behalf of the City, sign all affidavits, keep full and complete records of receipts, expenditures, payroll deductions and taxes levied and appropriated for the Retirement Fund, and act as administrative head of the Retirement Fund for the City. The agent shall annually prepare and present to the Council of said City a complete and full report of the City's IMRF-related acts and doings as such agent at the final meeting of the Council in each fiscal year. (2014-024)
- c) Term of Office. The Municipal Retirement Fund Agent shall be appointed by the City Manager by and with the consent of the Council for an indefinite term or until a successor shall be appointed and said appointee shall be selected from the employees or officers of the City. (1982-080)

### **3.32 HARDSHIP RETIREMENT ASSISTANCE.**

- a) All full-time employees may apply for hardship retirement assistance as defined below. Such assistance shall consist of a maximum of three years of individual and dependent health insurance coverage provided by the City under the same terms and conditions regarding coverage, co-insurance, and deductibles as established by applicable labor/management agreements or by the appropriate sections of the municipal code which are in effect at the time of application.

- b) Hardship Retirement shall be applicable when the employee has a physical or mental limitation which has developed over a period of time that demonstrably impairs the employee's ability to effectively perform the duties of the employee's position. In order to be considered for hardship retirement assistance the employee must meet the following criteria:
  - 1. The employee must apply for hardship retirement assistance to the City Manager in writing 30 days prior to the beginning of the municipal fiscal year in which the employee is seeking to retire.
  - 2. The employee must be eligible to draw a partial or full retirement under the pension plan in which the employee is a participant.
  - 3. The employee must be in good standing with the City. Good standing shall be defined as the lack of any disciplinary actions against the employee in the five fiscal years prior to the application for hardship retirement assistance in which the final outcome of such disciplinary action resulted in the employee suffering a demotion or loss of wages.
- c) A panel consisting of one alderman selected by the City Council, the City Manager or designee, a representative of the employee's labor union if the employee is a full member, and the employee's Department Head shall review all applications for hardship assistance and shall provide their recommendations to the City Council for their approval.
- d) The City Council shall approve any hardship retirement assistance by majority vote.
- e) The City Council may amend or discontinue this program at any time. If the Council takes such action, employees currently receiving assistance through this program shall continue to receive all benefits previously approved by the City Council when the employee's application was considered. (1993-080)

**3.33 ESDA DISASTER PLAN.**

- 1. There is hereby created a City of DeKalb ESDA to prevent, minimize, repair and alleviate injury and damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975."

This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

- 2. The Coordinator of the DeKalb ESDA shall be the City Manager. The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the Mayor of the City of DeKalb as provided by statute. In the event of the absence, resignation, death or inability to serve as the Coordinator, the appointed personnel in the line of succession to the City Manager shall serve as ESDA Coordinator.
- 3. The City ESDA shall perform such ESDA functions within the City as shall be prescribed in and by the state ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided in "The State ESDA Act of 1975."

4. All or any members of the City organization may be designated as members of a mobile support team created by the Director of the State ESDA as provided by law. The leader of such Mobile Support Team shall be designated by the Coordinator of the City ESDA organization. Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State reasonable compensation as provided by law.
5. The Coordinator of ESDA may negotiate Mutual Aid Agreements with other cities, counties or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the City Council and by the State Director of ESDA.
6. If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the City ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers provided by law.
7. Members of the ESDA who are paid employees or officers of the City, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held.
8. The Finance Director may receive and allocate to the appropriate fund, any reimbursement by the State to the City for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the City in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law. (2014-024)
9. The City Council may, on recommendation of the City Coordinator of ESDA, authorize any purchase of contracts necessary to place the City in a position to combat effectively any disaster and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of any man-made or natural disaster.

In the event of enemy caused or other disaster, the City Coordinator of ESDA is authorized, on behalf of the City, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by "The State ESDA Act of 1975," provided that if the City Council meets at such time he shall act subject to the directions and restrictions imposed by that body.

10. Every person appointed to serve in any capacity in the City ESDA organization shall, before entering upon any duties, subscribe to the following oath, which shall be filed with the Coordinator: (2014-024)

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or

violence; and that during such time as I am affiliated with the DeKalb ESDA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

11. The Mayor of the City Council is authorized to designate space in a City building, or elsewhere, as may be provided for by the City Council for the City ESDA and its office.
12. The City Council may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five (5) cents per one hundred (100) dollars of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975"; however, that amount collectable under such levy shall in no event exceed \$0.25 per capita. (1976-066, 1994-086, 2014-024)
13. Ordinance 1994-086 shall be in force from and after its passage and approval, as provided by law. Ordinance 1994-086 shall supersede and make null and void any previous ordinance dealing with the establishment of an ESDA Department for the City of DeKalb.

### **3.40 COMPENSATION.**

The elected officers and members of appointive boards and commissions shall receive such compensation as shall be fixed in an ordinance other than the annual budget ordinance. (2016-29)

### **3.46 RESIDENCY REQUIREMENTS FOR EMPLOYEES AND OFFICERS.**

- a) All employees serving in emergency response positions hired or appointed on or after October 1, 1977, shall, within a period of fifteen (15) months from their appointment or hiring, become residents within an area depicted in the attached "Employee Residency Boundary Map," provided that if any portion of the incorporated limits of a city, town, or village is included within this area, then all of such city, town, or village shall be included within the area wherein persons covered by this Section 3.46 shall reside. The boundaries so established are depicted on Exhibit "A" and made a part of this Ordinance; said Exhibit "A" shall be available for inspection in the City Clerk's office. (1998-107, 2004-020)
- b) The City Manager is authorized to grant extensions for compliance with the requirement to establish residency within fifteen (15) months of the date of hire, with said extensions not to exceed a period of an additional twelve (12) months. (1998-107, 2004-020, 2004-046)
- c) The following positions are classified as emergency response positions under this Chapter 3 (with additional positions classified as emergency response positions under the City's various collective bargaining agreements): (1998-107, 2001-030, 2004-046, 2005-006, 2010-038, 2012-052)

Assistant Director of Public Works (2012-071)

Assistant Fire Chief

Chief Building Inspector (2005-006, 2010-038)

Chief Property Maintenance Inspector (2005-006, 2010-038)

Communications Coordinator

Deputy Chief of Police (2012-071)

Deputy Fire Chief (2012-071)

Information & Technology Director (2004-020)

Operations/Maintenance Section Manager (2010-038)

Police Commander (2012-071)

Police Lieutenant

- d) Existing employees being involuntarily reassigned to an emergency response or department head position will not be required to move into the residency boundaries established by this ordinance unless they move from their current address. (1998-107, 2004-046)
- e) If appropriate, new positions will be identified as an emergency response position at the time of creation. (1998-107, 2004-046)
- f) Employees in the positions of police chief and fire chief hired after February 1, 2011, shall be required to establish residency within the corporate limits of the City within fifteen (15) months of the date of hire, with the City Manager authorized to grant extensions for a period not to exceed an additional six (6) months. (1990-012, 1997-095, 2004-055, 2011-002)
- g) Residency requirements for City Manager shall be as required by the applicable employment agreement. (2014-002)

**CHAPTER 21  
COMBINED PLANNING AND ZONING COMMISSION**

**LATEST REVISION:** July 9, 2018 (2018-037)

**SECTIONS:**

- 21.01 COMBINED PLANING AND ZONING COMMISSION.**
- 21.02 POWERS AND DUTIES.**
- 21.03 LAND SUBDIVISION OR RESUBDIVISION AND THE OFFICIAL MAP.**
- 21.04 IMPROVEMENTS.**
- 21.05 APPEALS AND VARIENCES.**
- 21.06 COMMISSION EXPENDITURES.**

**21.01 COMBINED PLANNING AND ZONING COMMISSION.**

- a) Creation.** There is hereby created a Combined Planning and Zoning Commission to be known as the City of DeKalb Planning and Zoning Commission whose purpose it shall be to prepare a Comprehensive Plan for the guidance, development or redevelopment of the City of DeKalb and contiguous territory not more than one and one-half miles beyond the corporate limits and not included within any other municipality and to take action on certain appeals and variances, as provided for in Chapter 23, "Unified Development Ordinance," of this Municipal Code. (2011-001)
- b) Membership.** The Planning and Zoning Commission shall consist of seven (7) members appointed by the Mayor, on the basis of their particular fitness for their duty on said Commission, and subject to the approval of the City Council. Members of the Planning and Zoning Commission shall reside within the municipality or within the territory contiguous to the municipality and not more than one and one-half miles beyond the corporate limits and not included within any other municipality. No more than one member at any particular time shall reside outside the corporate boundaries. The chairman shall be appointed by the Mayor with the advice and consent of the City Council for a term of two (2) years. (2005-038, 2006-041, 2011-001)

Training. Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).

Compensation. Each member shall serve without compensation.

- c) Terms of Office.** The terms of office for a member of the Planning and Zoning Commission shall be five (5) years with at least one (1), but not more than two (2) member's term expiring December 31 each year of a five (5) year consecutive period. No members shall serve for more than ten (10) consecutive years except when a vacancy has been created by the resignation or death of an appointed member of the Planning and Zoning Commission. In the event of the death or resignation of a duly appointed commissioner, an appointment of a new member shall be made. If the remainder of the unexpired term is two (2) years or less, the newly appointed commissioner shall be entitled to two (2) full consecutive five (5) year terms. Should the remainder of the unexpired term exceed two (2) years, then the remainder of the unexpired term, shall be considered as part of the first term of the newly appointed commissioner. No commissioner shall be allowed to serve more than twelve (12) consecutive years regardless of the circumstances of appointment. (1988-042, 1999-014, 2006-041, 2011-001, 2018-037)
- d) Code of Ethics.** Planning and Zoning Commission members shall abide by a code of ethics as follows: (2003-018, 2011-001)
  - 1. Members shall exercise impartial and independent judgment in their roles as advisors to the City Council.

2. Members shall be adequately prepared to render thorough and diligent service and to fairly apply facts and information to the decision at hand.
  3. Members shall disclose all direct personal financial interest in any proposal, project or development before the Commission and indicate any personal financial benefit that could result from a decision made by the commission. When concerned that there is a potential appearance of a conflict of interest or a public perception of conflict of interest the Commissioner should recuse him/herself from the particular proposal. When in doubt, the Commissioner may seek advice, for example, from the City Attorney, Planning Staff, other Commission members, or others to determine if a conflict or public perception of conflict might exist.
  4. Members shall not seek nor accept gifts or favors under circumstances in which it could be reasonably inferred that the gifts or favors could influence the Commissioner's decisions or actions.
  5. Members shall not use confidential information acquired in the course of their duties to further a personal financial interest and that any information available under the "FOIA," Freedom of Information Act shall *not* be viewed as confidential.
  6. Members shall refrain from deliberating and voting on any petition for annexation, rezoning, variance, special use permit, appeal of a zoning decision or subdivision plan in which the Commissioner has in the last 365 days participated in a personal capacity as an advisor, director, board member or paid advocate. This restriction shall not apply to a Commissioner's participation in a City-sponsored Board or Committee charged with advising the Commission or City Council on a particular matter. (2007-049, 2011-001)
  7. Members shall avoid discussions with parties having financial interest or their representatives regarding a specific request for an annexation, rezoning, variance, special use permit or subdivision approval that is either before the Commission, or is intended to be presented to the Commission, unless said discussions occur in a public meeting. This shall not apply to discussion with City Staff members. (2007-049)
  8. Members shall not make any statements of position (outside of Planning and Zoning Commission meetings) on matters before the Commission until after the item(s) has been presented to the Commission and a Commission recommendation has been made on the item. (2007-049)
- e) **Removal.** Planning and Zoning Commission members may be removed from appointed office under the provisions of 65 ILCS 5/3.1-35-10. (2003-018, 2011-001)

## **21.02 POWERS AND DUTIES.** (2011-001)

The Planning and Zoning Commission shall have the following powers and duties:

- a) To prepare and recommend to the Council a comprehensive plan for the present and future development or redevelopment of the City of DeKalb and contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits of the City and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted shall be the official comprehensive plan or part thereof, of the City of DeKalb. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the Council. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances with the City Clerk shall be complied with as provided for by law.

- b) To provide for the health, safety comfort and convenience of the inhabitants of the City of DeKalb and contiguous territory such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvement as herein defined and shall establish reasonable requirements governing the located, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.
- c) To designate land suitable for annexation to the City and the recommended zoning classification for such land upon annexation.
- d) To recommend to the Council from time to time, such changes in the Comprehensive Plan or any part thereof, as may be deemed necessary.
- e) To prepare and recommend to the Council, from time to time, plans and/or recommendations for specific improvements to improve the official Comprehensive Plan.
- f) To give aid to the officials of the City charged with the direction of projects for improvement embraced within the official plan, or parts thereof; to further the making of such improvement and generally to promote the realization of the official Comprehensive Plan.
- g) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.
- h) To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.
- i) To take action on certain appeals and variances, as provided for in Chapter 23, "Unified Development Ordinance," of this Municipal Code. (2011-001)
- j) To exercise such other powers germane to the powers granted under authority of the Illinois Municipal Code as may be conferred by the Council.

k) Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

### **21.03 LAND SUBDIVISION OR RESUBDIVISION AND THE OFFICIAL MAP.**

At any time or times, before or after the formal adoption of the official Comprehensive Plan by the Council, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan, or one or more separate geographic or functional parts and may include all or any part of the contiguous or unincorporated area within one and one-half miles from the corporate limits of the City of DeKalb. All requirement for public hearing, filing of notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map, with the City Clerk shall be complied with as provided for by law. No map or plat of any subdivision or resubdivision presented for record affecting land within the corporate limits of the City of DeKalb or within contiguous territory which is not more than one and one-half miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water runoff channels and basins, water supply and



distribution, sanitary sewers, and sewage collection and treatment, in conformity with the applicable requirements of the ordinances, including the official map.

**21.04 IMPROVEMENTS.**

The City Clerk shall furnish the Planning and Zoning Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvement of any nature. The Planning and Zoning Commission may report, in relation thereto, if it deems a report necessary or advisable, for the consideration of the City Council. (2011-001)

**21.05 APPEALS AND VARIANCES.**

The Planning and Zoning Commission shall hear certain appeals and variances in accordance with the procedures set forth in Chapter 23, "Unified Development Ordinance," Article 18, "Appeals and Variances." No decision of the Commission on appeals and/or variances shall be subject to review, reversal or modification by the City Council, but shall be subject to judicial review, pursuant to the provisions of the Illinois Code of Civil Procedure concerning Administrative Review Law. (2011-001)

**21.06 COMMISSION EXPENDITURES.**

The City Manager, or his designee, shall appoint such staff to provide support and secretarial services to the Commission as may be necessary from time to time. (2011-001)

If the Planning and Zoning Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the Council and appropriations by the Council therefor.

**CHAPTER 22**  
**BUILDING CODE REVIEW BOARD**

**CREATED:** February 28, 2022 (Ordinance 2022-011)

**22.01 BUILDING CODE REVIEW BOARD**

- a) **Creation:** There is hereby created a consolidated Building Code Review Board for the City of DeKalb, referred to hereafter as the “Building Code Review Board”, which Board shall have the function of recommending changes to the City’s then-currently adopted building and mechanical codes, including but not limited to the building code, electrical code, plumbing code, and mechanical code (hereafter “City Building Codes”).
- b) **Membership:** The Building Code Review Board shall consist of five (5) members. Each member shall serve for a two (2) year term and shall be appointed by the Mayor of the City of DeKalb with the advice and consent of the City Council.
1. One member shall be selected as the Chair of the Board by the vote of the remaining members. The Chair shall preside over meetings of the Board and shall exercise the authority of the Chair pursuant to Robert’s Rules of Order and the City Code of Ordinances. The City Manager shall designate a City staff member who shall serve as secretary for the Board and shall take minutes of its meetings.
  2. The Mayor shall strive to appoint members to the Board who possess one or more of the following specializations:
    - i. Licensed Plumber.
    - ii. Licensed Electrician.
    - iii. Licensed Heating, Ventilation, Air Conditioning, Mechanical Device Installer or Designer.
    - iv. Licensed Architect or Structural Engineer.
    - v. Commercial Builder or Remodeler.
  3. All members of the Board shall either reside within the corporate limits of the city of DeKalb or provide their services within the city of DeKalb. All members of the Board shall serve without compensation and may be removed at the discretion of the Mayor.
  4. Training. Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).
  5. Compensation. Each member shall serve without compensation.
  6. Removal. The Mayor, with a three-fourths (3/4) majority vote of the City Council members then holding office, may remove a member at any Regular City Council meeting.
- c) **Open Meetings:** Meetings of the Board shall be conducted as open meetings of a public body pursuant to applicable law. The Board may establish a regular meeting schedule, subject to modification by the Board from time to time and may schedule such special meetings as shall be required to fulfill its obligations.

d) Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

↪ (e) Advisory Body: The Board shall serve as an advisory body to the City Council and to the Chief Building Official in making recommendations and suggesting policies applicable to the City Building Codes or updates thereto. Any such recommendations shall be adopted by written resolution, and such resolution shall denote the results of the rollcall vote utilized to adopt the same.

**CHAPTER 44  
LANDMARK COMMISSION**

**LATEST REVISION:** June 13, 2022 (Ordinance 2022-024)

**SECTIONS:**

**44.01 DEFINITIONS.**

**44.02 COMMISSION CREATED.**

**44.03 MEMBERSHIP.**

**44.04 OFFICERS.**

**44.05 QUORUM.**

**44.06 DUTIES AND POWERS.**

**44.07 LANDMARK DESIGNATION.**

**44.08 LANDMARK REGISTER DESIGNATION PROCEDURES.**

**44.09 HISTORIC DISTRICT DESIGNATION PROCEDURE.**

**TABLE OF AMENDMENTS**

**44.01 DEFINITIONS.**

For the purposes of this Chapter 44, the following words shall have the meanings hereinafter assigned to them.

- a) Commission: Landmark Commission.
- b) Landmark: Any improvement which has special character or special historical interest or value as a part of the development, heritage, or cultural characteristics of the City of DeKalb, the State of Illinois, or the Nation which has been designated as a "landmark" by the provisions of this Chapter 44 or by placement on the National Register of Historic Places.
- c) Landmark Site: A parcel or part thereof on which is situated a "landmark" and any abutting parcel or part thereof used and constituting part of the premises which has been designated as a "landmark site" according to the provisions of this Chapter 44 or by nomination to the National Register.
- d) Historic District: An area designated by ordinance of the City Council, pursuant to procedures prescribed herein, which may contain within definable geographical boundaries properties or structures, which may or may not be landmarks, which contribute to the overall historic characteristics of the designated area.
- e) Exterior Architectural Appearance: Includes the architectural character, general composition and general arrangement of the exterior of a structure, including the kinds and texture of the building materials and the type and character of all windows, doors, light fixtures, signs and elements visible from public streets and thoroughfares.
- f) Improvement: Any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.
- g) Alteration: Any act or process which changes one or more of the exterior architectural features of a structure designated for preservation.
- h) Demolition: Any act or process which destroys in part or in whole a structure.
- i) Owner(s) of Record: The person(s) or corporation or other legal entity in whose name(s) the property appears on the records of the DeKalb County Recorder of Deeds.

- j) **Property:** A distinct parcel of real property which is assigned a separate tax parcel number by the DeKalb County Supervisor of Assessments.

#### **44.02 COMMISSION CREATED.**

There is hereby created a Commission which shall consist of seven (7) members. Seven members shall be appointed by the Mayor with the advice and consent of the City Council. Of the membership appointed by the Mayor, Commission members shall be from among professionals in the disciplines of history, architectural history, architecture, historic architecture, planning, archaeology, real estate, historic preservation or related field to the extent that such professionals are available in the community, and may include other persons who have demonstrated special interest, knowledge or experience, in architecture, history, neighborhood preservation or related disciplines. The members shall be from the City of DeKalb or DeKalb Township.

#### **44.03 MEMBERSHIP.**

The Landmark Commission shall be comprised of seven (7) members, with each member appointed by the Mayor generally serving for a three (3) year term. Any appointment to the Commission by the Mayor, whether as an initial appointment or a reappointment, may be for a period of 1-3 years as determined by the Mayor, with the term of appointment being established in order to facilitate even turnover of membership in following years. Any member may be reappointed for such number of terms as determined to be appropriate by the Mayor; there shall be no limit on reappointment. All terms shall end on December 31.

Training. Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).

Compensation. Each member shall serve without compensation.

Removal. The Mayor, with a three-fourths (3/4) majority vote of the City Council then holding office, may remove a member at any Regular City Council meeting.

Meetings. The Commission shall meet as needed. Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

#### **44.04 OFFICERS.**

The chair shall be appointed by the Mayor with the advice and consent of the City Council for a term of two (2) years. The Commission shall elect from its membership a vice-chair. The chair shall preside over meetings. In the absence of the chair, the vice-chair shall perform the duties of the chair. The Commission shall adopt its own bylaws and rules of order not inconsistent with this Chapter 44.

#### **44.05 QUORUM.**

A quorum shall consist of a majority of the members holding office. All recommendations to the City Council shall be made by a majority vote of the voting members present where a quorum exists.

#### **44.06 DUTIES AND POWERS.**

The Commission shall have three categories of duties and powers; the first, dealing with general activities related to identification and objectives of historic preservation, the second, dealing with designation of specific landmarks and the third, being an educational and resource function.

- a) The Commission shall conduct a continuing survey of all historic districts, areas, places, buildings, structures, works of art or similar objects in the City of DeKalb which the Commission,

on the basis of information available or presented to it, has reason to believe are eligible for designation as landmarks or historic districts. The Commission shall keep records of these surveys, in map and narrative form, for use by the public.

- b) In addition, the Commission shall have the power to retain consultants to advise the Commission. Any contract retaining such consultant which involves an expenditure of City funds shall be subject to approval of the City Council.
- c) The Commission shall work for the continuing education of the citizens of DeKalb with respect to the historic and architectural heritage of the City.
- d) The Commission shall act as resource consultant for owners of designated landmark sites or historic districts. The Commission will keep a current file on architects, historians, preservationists and restorationists concerned with historic preservation.
- e) The Commission shall work cooperatively with the City Planning and Zoning Commission to insure the integrity of landmark or landmark site and historic district designation.
- f) The Commission shall hold public hearings and make recommendations to the City Council on applications for sites within the City of DeKalb to be designated as historic landmarks or districts. Designation is subject to the criteria and procedures in this Chapter 44.
- g) The Commission shall keep and make available to the public a register of all sites within the corporate limits of DeKalb which have been classified as landmarks.

The Register shall be maintained as a list recording basic information regarding the historic landmark or district. Narrative and descriptive materials such as maps and photos pertaining to the history of the site or artifact shall be filed in a supplementary file designated as the DeKalb Landmark Register Supplementary File. A copy of a site's Architectural Survey form shall be filed in the Register Supplementary File if the site is designated as a local historic landmark. The forms of the Local Architectural Survey shall be kept as a separate file from the DeKalb Landmark Register. All records of the Commission shall be open to the public.

The Commission shall automatically recommend to the City Council "Historic Landmark Status" on the DeKalb Landmark Register for a local DeKalb site accepted to the Illinois or National Register of Historic Places.

- h) To inform the City Council, the Planning and Zoning Commission; any interested groups and the State of Illinois about the identification and maintenance of sites of historical and architectural importance in the City of DeKalb.
- i) To develop and recommend improved regulations for the maintenance of the area surrounding historical monuments and land-mark sites for the convenience of the visiting public.
- j) To make suggestions and recommendations to the appropriate agency of the State of Illinois with respect to historic sites under State jurisdiction and to act as a resource to groups seeking to nominate sites for the State and National registers.
- k) To actively seek out those private and governmental sources of financial aid for the preservation and historical restoration of sites designated Landmarks.
- l) To review new residential dwellings located in a designated historic district or landmark site per the provisions of Article 7.14 "Design Requirements for New Residential Construction" of Chapter 23 "Unified Development Ordinance" of the Municipal Code.

- m) To perform such other and further functions as may be from time to time provided by the City Council.

#### **44.07 LANDMARK DESIGNATION.**

The DeKalb Landmark Register shall be a record of local sites approved as Historic Landmarks by the City Council upon the recommendation of the DeKalb Landmark Commission. In making its recommendations to the City Council for Landmarks designation, the Commission shall consider the following criteria concerning such area, place, building, structure, work of art or other similar object:

- a) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of DeKalb, State of Illinois or the United States.
- b) Its location as a site of significant historic event.
- c) Its identification with a person or persons who significantly contributed to the culture and development of the City of DeKalb.
- d) Its exemplification of the cultural, economic, social or historic heritage of the City of DeKalb.
- e) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
- f) Its embodiment of distinguishing characteristics of a recognized architectural style.
- g) Its identification as the work of an architect or master builder whose individual work has been influential.
- h) Its embodiment of elements of architectural design, details, materials or craftsmanship which represent a significant architectural innovation.
- i) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City of DeKalb.
- j) The environmental relationships of the structures or sites are to be considered.
- k) In utilizing these criteria, the Commission procedures need not be elaborate. Structures and areas should be evaluated in terms of their peers. Broad considerations of style, date and historic periods and associations should be utilized to reveal the total quality of the historic environment.

#### **44.08 LANDMARK REGISTER DESIGNATION PROCEDURES.**

Procedure for designation to the Landmark Register shall be as follows:

- a) The application for a site within the City of DeKalb to be designated as a Historic Landmark and to be placed on the DeKalb Landmark Register may be requested by a site owner (or owners) or may be a decision of the DeKalb Landmark Commission or any organization or resident of the City of DeKalb. The property owner(s) shall be notified by certified mail of the Commission's intent.
- b) The Commission shall only consider the requests for designation as a Historic Landmark whose owner or owners of record have responded to the request for designation of the place as a Historic Landmark, by submitting a letter of written consent approving the designation of the place as an Historic Landmark. If such owner or owners do not consent to the designation of

the place as a Historic Landmark, the Commission shall take no further action with respect to such place.

- c) If the Commission receives the written consent of the owner or owners as required under subsection (b), the Commission shall evaluate the application on the basis of criteria set forth in Section 44.07 hereof and may then proceed to hold a public hearing as set forth in subsection (a).
- d) The Commission shall hold public hearings on applications for site recommendations as stipulated by Section 44.06(f) hereof, and shall inform the City Council, City Staff, and the City Planning and Zoning Commission of the intent for a public hearing, requesting the opinion and input of these groups.
  1. A formal public hearing will be held at a separate meeting from the Commission's meeting, and minutes shall be taken.
  2. Written notice of the public hearing will be given to property owner(s) and notice shall be given to the general public through available news media.
  3. Order of Business at the public hearing shall be as follows:
    - Convene Public Hearing
    - Read Agenda Item
    - Receive Public Input
    - Receive City and City Staff Input
    - Close Public Hearing
- e) At its next meeting the Commission shall discuss the application in order to make a decision on a recommendation to the City Council. The public hearing meeting may be held on the same day as a regular Commission meeting. It is the intent of the Commission to expedite a decision and to hold the public hearing and the Commission meeting on the same day, if possible.
- f) A formal recommendation will be forwarded to the City Council.
- g) Acceptance of the Commission's Recommendation by the City Council as a Resolution shall constitute designation of the site as a Historic Landmark. The site shall then be included on the DeKalb Landmark Register.
- h) A decision by the Commission denying landmark designation shall be the final administrative decision. No application relating to the same site may be filed during the twelve (12) months following such a denial by the Commission.
- i) Designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.

#### **44.09 HISTORIC DISTRICT DESIGNATION PROCEDURE.**

The procedure for designating an historic district shall be as follows:

- a) The application for designation of a district within the City of DeKalb as a Historic District may be requested by site owners, the DeKalb Landmark Commission, or any organization or resident of the City of DeKalb. Nominations shall be made to the Commission on a form provided by the Commission. Nominations must be accompanied by a petition signed by twenty-five percent (25%) of the owners of record within a proposed district.



b) The Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether an area meets these guidelines or one or more of the following criteria:

1. A significant number of structures meeting any of the standards in Section 44.07.
2. A traditional neighborhood, commercial area, or public activity center.
3. An area of sufficient integrity to convey a sense of time and place.

The preliminary determination as to whether an area meets these guidelines or criteria shall be made within sixty (60) days of the filing of the nomination of such area to the Commission.

c) Within ten (10) days following a preliminary determination that a proposed historic district meets one or more of the criteria in Subsection 44.07 herein, the Commission shall so notify by mail the owner(s) of record. The notice shall be accompanied by an owner consent form requesting the property owner(s) to provide written approval or disapproval of the proposed designation. In the case of a historic district, the owner(s) of record of any property in the proposed district shall have one vote on the approval or disapproval of the designation for each property owned in the proposed district. For purposes of this paragraph, "property" shall be defined as a distinct parcel of real property which is assigned a separate tax parcel number by the DeKalb County Supervisor of Assessments. Joint or multiple owners of property shall not be entitled to separate votes but shall jointly receive one vote for each property owned in the proposed district. Failure of an owner of record to return the form with his or her approval or disapproval by the date of the public hearing provided for herein shall be noted as such. Approval of at least fifty-one percent (51%) of those owners of record who have returned the form by the date of the public hearing shall be required for the historic district to be considered for designation by the Commission.

d) The Commission shall schedule a public hearing within forty-five (45) days following a preliminary determination that a proposed historic district meets one or more of the criteria in Subsections herein.

1. Notice of the date, time, place and purpose of the public hearing shall be sent by mail to the owner(s) of record and to the nominator(s), as well as to the owners of property adjoining the proposed district, not less than fifteen (15) nor more than thirty-five days prior to the date of the hearing. A like notice shall also be published in a newspaper having general circulation in the City of DeKalb. The notice shall state the location of a proposed district and a brief statement summarizing how the proposed historic district meets the criteria set forth in Subsection (b) above.
2. At the public hearing, the Commission shall take testimony presented by the nominator(s), the owner(s), and any other interested parties who wish to be heard on the application of the criteria for designation enumerated in Subsection (b) above to the proposed historic district. In addition, the Commission shall consider all written comments received by the Commission prior to the hearing. It shall be the responsibility of the nominator(s) to provide evidence of suitability for historic district status as well as documentation of the evidence.
3. The Commission shall review and evaluate available information according to the applicable criteria set forth in Subsection (b) above.

e) A decision shall be made within thirty-five (35) days following the date of the closing of the public hearing.

1. If the Commission decides after the hearing that the proposed historic district should be designated, it shall do so by a resolution passed at a regular meeting or special meeting of the Commission.
2. Said Commission resolution shall be forwarded to the DeKalb City Council, shall be accompanied by a report summarizing the evidence presented at the hearing and explaining the decision, and shall recommend to the DeKalb City Council that such designation take place.
3. The owner(s) of record shall be notified promptly by a letter containing a copy of the decision and announcing the date of the City Council meeting at which the recommendation will be discussed.
4. Following approval by the DeKalb City Council, copies of appropriate documentation shall be sent to applicable parties.
5. A decision by the Commission denying historic district designation shall be the final administrative decision. No application relating to the same specific district may be filed during the twelve (12) months following such a denial by the Commission.

## APPENDIX A THE DEKALB LANDMARK REGISTER

### HISTORIC DISTRICTS

- North Fifth Ward Historic District. The greater portion of the residential neighborhood north of Lincoln Highway (Route 38) and west of First Street, to almost the Kishwaukee River. Developed primarily after 1900 with the advent of Northern Illinois State Normal School, now Northern Illinois University.
- Huntley Park Historic District. South Second & South Third Streets from Franklin Street to the end of the brick pavement. Early residential neighborhood with Huntley Park as its focal point.

### LOCAL LANDMARK BUILDINGS

- Patten/Eckhardt/Petros House – 339 W. Roosevelt Street  
Two-story frame house with elegant interior and unusual exterior bargeboard trim.
- Jacob Haish Historic Site – 227 Pine Street  
Site of the Haish Mansion.
- The Haish Carriage House – 421-423 N. Third Street
- Hiram Ellwood/Hovis House – 329 N. Third Street  
Transitional Eastlake style house restored 1990-1993.
- Former St. Mary's Hospital Building – 145 Fisk Avenue  
Catholic hospital from 1922-1966. School District Administration Center from 1974-1992.
- Fowler/Keefer House – 604 Grove Street  
Built in 1853 when DeKalb was platted as a village.
- Original Isaac Ellwood/Faust-Thrun House – 315 N. Third Street  
Early Greek Revival house with later additions.
- Rufas Hopkins/Clark House – 860 N. Seventh Street  
1856 Brick Italianate house of a local banker.
- Henry B. Gurler/Baker House – 304 S. Fourth Street  
Mid 1880's frame house with restored exterior paint scheme & vintage interior with restoration on-going.
- Drs. Smith Building – 263 E. Lincoln Highway  
1948 Art Modern commercial building built by Dr. Clifford Smith, the first Chief of Staff for the DeKalb Hospital, and later occupied by his son Dr. Robb Smith, an ophthalmologist. The site was originally occupied by the DeKalb Opera House, constructed in 1876 and reconstructed in 1908.
- Nehring Building/City Hall – 164 E. Lincoln Highway  
1892 Two-story building with limestone façade built in the Queen Anne and Classical Revival style. The site was originally occupied by the DeKalb National Bank. In 2019, the City of DeKalb acquired the property to use as its City Hall.

## **OTHER LANDMARKS**

Also listed on the DeKalb Landmark Register are the following National Register buildings:

Joseph F. Glidden House  
Ellwood House Museum  
Egyptian Theatre  
George Gurler House  
DeKalb Public (Haish Memorial) Library Building

**CHAPTER 44  
"LANDMARK COMMISSION"  
TABLE OF AMENDMENTS**

The following table provides for the amendments made to this Municipal Code Chapter since its original effective date of September 11, 1978 (Ordinance 1978-090).

<b>Effective Date</b>	<b>Ordinance No.</b>	<b>Description of Amendment</b>
9/11/1978	1978-090	Adding a New Chapter 44 "Landmark Commission".
Failed 4/23/1979	1979-041	Adding a New Chapter 44 "Commission on DeKalb Historical and Architectural Landmarks.
7/14/1980	1980-057	Amending Chapter 44 "Landmark Commission", Section 44.02 "Commission Created".
2/27/1984	1984-017	Amending Chapter 44 "Landmark Commission", Section 44.03 "Mayoral Appointments".
6/13/1988	1988-049	Amending Chapter 44 "Landmark Commission" by Deleting the Former Chapter and Creating a New Chapter.
5/29/1990	1990-060	Amending Chapter 44 "Landmark Commission", Section 44.03 "Membership".
7/25/1994	1994-101	Amending Chapter 44 "Landmark Commission", Section 44.08 "Landmark Register Designation Procedures".
5/26/1998	1998-071	Amending Chapter 44 "Landmark Commission", Section 44.03 "Membership", by Changing the Members Term to Start July 1 and End June 30.
6/28/1999	1999-068	Amending Chapter 44 "Landmark Commission", Section 44.03 "Membership", to Remove the Term Limit Placed on Commission Membership.
6/27/2005	2005-038	Amending Chapter 44 "Landmark Commission", Section 44.04 "Officers", as it Pertains to the Mayoral Appointment of the Chair.
8/22/2016	2016-027	Amending Chapter 44 "Landmark Commission", Section 44.02 "Commission Created", Section 44.03 "Membership", and Section 44.05 "Quorum".
2/13/2017	2017-004	Amending Chapter 44 "Landmark Commission", Section 44.08 "Landmark Register Designation Procedures".
7/9/2018	2018-037	Amending Chapter 44 "Landmark Commission", Section 44.03 "Membership".
6/13/2022	2022-024	Amending the Municipal Code of the City of DeKalb, Illinois, by Repealing Chapter 47 "Cultural Affairs Commission", and <u>Amending Chapter 44 "Landmark Commission"</u> , and Chapter 59 "Economic Development Commission".

**CHAPTER 45  
AIRPORT ADVISORY BOARD**

**LATEST REVISION:** November 28, 2016 (Ord 2016-040)

**SECTIONS:**

- 45.01 ESTABLISHMENT.**
- 45.02 PURPOSE.**
- 45.03 MEMBERSHIP.**
- 45.04 TERMS OF OFFICE.**
- 45.05 OFFICERS.**
- 45.06 MEETINGS.**
- 45.07 PROCEDURES.**
- 45.08 MISSION.**
- 45.09 DUTIES.**
- 45.10 STAFF LIAISON.**

**45.01 ESTABLISHMENT.**

There is hereby established an Airport Advisory Board for the City of DeKalb whose members shall be appointed by the Mayor with the advice and consent of the City Council. (1999-083)

**45.02 PURPOSE.**

The purpose of the Airport Advisory Board shall be to advise the City on airport related business activities and ensure that the airport is a key economic asset to the region. (2016-040)

**45.03 MEMBERSHIP.**

- a) Membership of this Board shall be comprised of seven (7) members, all appointed by the Mayor. A minimum of four (4) members will be residents of the City of DeKalb. No more than two and no less than one shall be currently licensed pilots. The DeKalb County Administrator will have a position on the Board. The DeKalb County Economic Development Corporation Executive Director will have a position on the Board. The DeKalb Chamber of Commerce Executive Director will have a position on the Board. (2005-061, 2016-040)
- b) All seven (7) members shall serve without pay. Any vacancies in said Board that were appointed by the Mayor shall be filled by the Mayor with the advice and consent of the City Council. Where such vacancies occur, other than by expiration of term, the appointment filling such vacancy shall be for the remainder of the unexpired term. The Airport Manager, or such person designated by the City Manager, shall be an ex-officio member of said Board. (1999-083, 2003-053, 2016-040)
- c) Training. Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after initial appointment and upon reappointment.

**45.04 TERMS OF OFFICE.**

All Board members appointed or named shall serve for a period of four (4) years. Terms of Board members will expire December 31. Four (4) Board members' terms shall end in odd numbered years and the other three (3) Board members' terms shall end in even numbered years. Any appointment to the Board by the Mayor, whether as an initial appointment or a reappointment, may be for a period of one (1) to three (3) years as determined by the Mayor, with the term of appointment being established in order to facilitate even turnover of membership in following years.

Any member may be reappointed for such number of terms as determined to be appropriate by the Mayor; there shall be no limit on reappointment. (1998-072, 1999-083, 2016-040)

Removal. The Mayor, with a three-fourths (3/4) majority vote of the City Council then holding office, may remove a member at any Regular City Council meeting.

#### **45.05 OFFICERS.**

The Chairperson shall be appointed by the Mayor with the advice of the City Council for a term of two (2) years. After the appointment by the Mayor, the Board shall meet and organize by electing from its membership a Vice-Chairperson. (1999-083, 2005-038, 2016-040)

- a) The Chairperson shall preside over meetings and supervise the affairs of the Board with the professional direction and assistance of the Airport Manager. The Chairperson shall appoint members of the Board to any Committee which the Board shall create and he/she shall be an ex-officio member of all committees so appointed. (1999-083)
- b) In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. Upon a vacancy in the position of the Chairperson, the Vice-Chairperson shall immediately assume the position of Chairperson. Upon the vacancy in the position of Vice-Chairperson, a successor shall be elected at the next regular meeting of the Board.
- c) In the absence of the Chairperson and Vice-Chairperson, an acting temporary Chairperson may be appointed, provided that at least four (4) Board members are present at the meeting and a majority of those members present approve the acting Chairpersons temporary appointment. (2016-040)

#### **45.06 MEETINGS.**

The Chairperson shall call the meetings for the Board on a regular basis, on a schedule to be established by the Chairperson and published by the City staff liaison as required by law. (2016-040)

Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

#### **45.07 PROCEDURES.**

The Board shall adopt rules and regulations for conduct of its meetings, including the method of calling a meeting.

#### **45.08 MISSION.**

The mission of the Board shall include but is not limited to the following:

- a) To ensure the airport remains a vital piece of the regional economic infrastructure by providing input and support in the mission of running the airport as a business. (2016-040)

#### **45.09 DUTIES**

The duties and responsibilities of the Board shall include but are not limited to the following:

- a) The Board shall oversee and participate in the development of a five (5) year airport business plan. The business plan will integrate airport capital master planning with an airport financial plan. The plan will provide guidance for the operation and development of the airport. It will consider airport operations, organizational development, finance, capital planning, business and revenue development and targets, property management, airport marketing, and airport services management and development. The plan shall be updated annually. (2016-040)

- b) The Board shall oversee and participate in the development of a regional marketing strategy that sets forth specific goals and action plans to identify target markets for increasing business, promote the airport and the services offered to target markets, educate regional stakeholders on the importance of the airport as a community-wide asset and define the current and potential future economic value of the airport. The plan shall be updated annually. (2016-040)
- c) The Board shall send copies of its minutes to the City Council and the City Manager and shall make reports as is necessary or as may be requested by the City Council. (2016-040)

#### **45.10 STAFF LIAISON.**

The Airport Manager or his/her designee, of the City of DeKalb, Illinois, is hereby designated as the City staff liaison, and shall assist the Board in carrying out its duties. The staff liaison shall help to facilitate and foster cooperation between the Board and City staff in achieving successful airport related economic development and growth. (1999-083, 2016-040)

- a) The responsibility to ensure the recording and maintaining of the permanent minutes of the Board shall be that of the staff liaison. Copies of the minutes shall be distributed to Board members and forwarded to the Mayor and members of the City Council before the next meeting. (1992-013, 2006-031, 2016-040)



**CHAPTER 46  
CITIZEN POLICE REVIEW BOARD**

**CREATED:** November 8, 2021 (Ordinance 2021-040)

**SECTIONS:**

- 46.01 ESTABLISHMENT**
- 46.02 DEFINITIONS**
- 46.03 MEMBERSHIP AND OFFICERS**
- 46.04 MEETINGS**
- 46.05 DUTIES AND AUTHORITY**
- 46.06 PUBLIC INSPECTION**
- 46.07 SEVERABILITY**

**46.01 ESTABLISHMENT**

There is hereby established a Citizen Police Review Board (the "Board" or "CPRB") for the City of DeKalb.

- a) **Policy.** It is the expressed intent of this Chapter to invite transparency and accountability which promote greater trust and understanding with respect to law enforcement training, policies, practices, and procedures.
- b) **Mission Statement.** The mission of the Board is to promote the highest principles of professional police conduct including, but not limited to, fairness, empathy, and consistency in police and community relations, the use of force, and the investigation of citizen complaints.

**46.02 DEFINITIONS**

For the purpose of this Chapter 46, the following words shall have the meanings hereinafter assigned to them.

- a) "Administrative Proceeding" shall mean the same definition as provided by the Uniform Peace Officers' Disciplinary Act (the "UPODA"), 50 ILCS 725/1, *et seq.*
- b) "Board" shall mean the Citizen Police Review Board (the "CPRB"). The Board shall serve as an advisory subsidiary public body to the Corporate Authorities. The Board shall not be considered an administrative agency of the City of DeKalb, nor shall the Board's proceedings be considered as an Administrative Proceeding, but the Board shall be considered as a "Quasi-adjudicative body" under the Illinois Open Meetings Act (the "OMA"), 5 ILCS 120/1, *et seq.*, with the responsibility to conduct hearings, receive evidence or testimony, and make determinations thereon as provided by this Chapter.
- c) "Chief of Police" or "Police Chief" shall mean the same office as provided by Section 4.02 of this Code. For the sole purpose of describing said office under this Section, the Chief of Police is the head of the DeKalb Police Department, who is appointed or removed at the discretion of the City Manager, and who possesses the responsibility and the authority for the supervision of all sworn officers and civilian employees of the Police Department and the custody, care, and control of the public property, records, and equipment of the Department.
- d) "City Manager" shall mean the same office as provided by Section 3.07 of this Code. For the sole purpose of describing said office under this Section, the City Manager is the chief administrative officer of the city government, who is appointed by the Mayor and Council voting jointly, and who possesses the power and duty to appoint and remove all department heads including, but not limited to, the Police Chief.

- e) "Corporate Authorities" shall mean the Mayor and City Council of the City of DeKalb.
- f) "Citizen Complaint" or "Formal Complaint" shall mean a written complaint against a Police Officer alleging the Police Officer's misconduct which is supported by a sworn statement that the opinions set forth in the written complaint are true and correct.
- g) "Complainant" shall mean the affiant(s) of a Citizen Complaint.
- h) "Department" shall mean the DeKalb Police Department.
- i) "Formal Investigation" shall mean the same definition as provided by the UPODA.
- j) "Informal Inquiry" shall mean the same definition as provided by the UPODA.
- k) "Minor Infraction" shall mean a Police Officer's potential violation of Department rules which may be noted on the Police Officer's record, but which may not result in removal, discharge or suspension in excess of three (3) days.
- l) "Police Officer" shall mean the same office as provided by Section 4.04 of this Code. For the sole purpose of describing said office under this Section, a Police Officer is a duly sworn police officer and an employee of the Department who is primarily responsible for prevention or detection of crime and the enforcement of the State of Illinois criminal code, State of Illinois traffic laws, or ordinances of the City of DeKalb.
- m) "Use of Force" shall mean the amount of effort or application of force employed by a Police Officer in the exercise of the Police Officer's duties including, but not limited to, making an arrest or other seizure (see 720 ILCS 5/7-5 to 5.5), defending the Police Officer or others (720 ILCS 5/7-1), rendering medical aid and assistance consistent with the Police Officer's training and requesting emergency medical assistance if necessary (see 720 ILCS 5/7-15), and intervening to prevent or stop another peace officer in the Police Officer's presence from using any unauthorized force (see 720 ILCS 5/7-16). In evaluating the particular use of force consistent with Department policy and applicable law, the Board shall consider the totality of the circumstances from the perspective of an objectively reasonable Police Officer on the scene at the time of the use of force, rather than with the perfect vision of hindsight, while allowing for the fact that a Police Officer is often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. In judging the amount of force that is necessary in a particular situation, the Board shall also consider that a Police Officer's use of force is a serious responsibility which shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life (see 720 ILCS 5/7-5, *et seq.*; *Graham v. Connor*, 490 U.S. 386 (1989)).

#### **46.03 MEMBERSHIP AND OFFICERS**

- a) Members. The Board shall have five (5) civilian members, who shall be appointed by the Mayor with the advice and consent of the City Council, for staggered, two-year terms, which shall begin on January 1 of each calendar year and end on December 31 of each calendar year. The initial appointments shall be staggered as follows:
  - 1. Three (3) members shall be appointed to serve two-year terms; and,
  - 2. Two (2) members shall be appointed to serve one-year terms.

Except as may otherwise be provided by this subsection for the initial appointments, the term of each member shall be two (2) years. No Board member shall serve more than two (2) consecutive full terms. No Board member shall be a current or former Police Officer, a current City officer or employee, or an immediate family member of a current or former Police Officer.

No Board member shall serve until the member has completed the Required Training described in Section 46.03, Paragraph f. No Board member shall be required to give any bond, nor shall any Board member receive any compensation. The vacancy and removal of a Board member shall occur in the manner provided by law.

- b) Chairperson. The Board chair (the "Chair") shall be appointed by the Mayor from the appointed members. The Chair may be re-appointed at the discretion of the Mayor with the advice and consent of the Council in January of each calendar year. The Chair is subject to the term limits described in Section 46.03, Paragraph a.
- c) Board Secretary. The Board Secretary shall be a professional staff employee of the City of DeKalb to support the record-keeping of the Board. The Board Secretary shall be appointed by, and serve at the pleasure of, the City Manager. The Board Secretary shall keep the minutes of Board meetings, ensure the custody and control of all records that are pertinent to Board proceedings, and be responsible (in coordination with the City's FOIA Officer) for the public dissemination of information required by law and this Section.
- d) All Board members shall be residents and qualified electors of the City of DeKalb.
- e) Training: Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).
- f) The Corporate Authorities shall strive to appoint and approve Board members who reflect the diversity of the community including, but not limited to, age, ancestry, color, disability, education, ethnicity, gender, geography, marital status, military status, national origin, race, religion, sex, sexual orientation, and socio-economic status.
- g) Required Training. To promote fluency in the Department's policies and protocols and responsibly perform their duties, all Board members shall complete, prior to the commencement of their respective terms, a civilian "police academy" that may include, but is not limited to, the following:
  - scenario-based virtual training;
  - an overview of the Department's organization, operation, equipment, weapons, and Use of Force policies; and
  - an overview of applicable law governing the Use of Force, the OMA, and this Code (including, but not limited to, this Section and the City's ethics ordinance).

The Chief of Police, in consultation with the City Manager, shall be responsible for the required training. All nominees shall participate in the same training, and no grade or performance ranking, except for the completion of the minimum training hours, shall be required to complete the required training.

#### **46.04 -MEETINGS**

- a) The Board shall conduct its public meetings in accordance with the OMA and other applicable laws and ordinances governing the conduct and transparency of Board meetings. Persons wishing to make public comment during a Board meeting shall be limited to three (3) minutes
- b) The Board shall meet not less than six (6) times per year. Additionally, either the Chair or two Board members may call a special meeting to address the following: (1) a Citizen's Complaint against the Chief of Police or any Police Officer; and (2) a Citizen's Complaint, an Informal

Inquiry, Formal Investigation, or a Minor Infraction involving the Use of Force by the Chief of Police or any Police Officer. The Chief of Police shall promptly inform the Chair of any matter for which a special meeting may be called pursuant to this subsection.

- c) The Board proceedings shall be conducted according to Robert's Rules of Order, as revised in its latest edition.
- d) The majority of the Board shall constitute a quorum to do business. The affirmative vote of a majority of the quorum shall be required for any Board action including, but not limited to, the Board's written recommendations.
- e) The Chair shall be the presiding officer and shall preserve decorum, recognizing members who wish to speak. Except with the permission of the Chair, no member shall speak in an uninterrupted fashion for more than five (5) minutes. Additionally, no member shall speak more than once on the same question until all other members shall have had an opportunity to speak.
- f) In the absence of the Chair, a quorum of the Board may select an acting Chair from the Board members.
- g) The Board shall establish policies, procedures, rules, and regulations for the conduct of its meetings and the execution of its duties.
- f) Upon the written request of the Police Chief, City Manager, City Attorney, or any outside law enforcement or prosecuting authority (e.g., the DeKalb State's Attorney's Office, Illinois Law Enforcement Training Standards Board, Illinois State Police, and other such agencies), the Board shall meet in closed session as may be allowed by law and/or suspend any Board action that is the subject of the written request. Such a request shall be made only when, in the sole exercise of the requester's respective opinion and discretion, the requester reasonably believes that the request may prevent interference with a pending or reasonably contemplated criminal investigation, Formal Investigation, Administrative Proceeding, or litigation involving a Police Officer or the City, or otherwise protect confidential interests involving the discipline, performance, or dismissal of a Police Officer, or the identity of a victim or witness. Notwithstanding the foregoing to the contrary, the Police Chief shall not be allowed to make such a request if the Police Chief is the subject of the request.

#### **46.05 DUTIES AND AUTHORITY**

- a) **Policy Review and Recommendations.** The Board shall review and consider the policies, procedures, rules, and regulations of the Department, and provide written recommendation(s) to the Police Chief of changes that are consistent with the Board's mission. The Police Chief shall review and discuss the Board's written recommendation(s) at the next regularly scheduled Board meeting following the Board's approval of said written recommendation(s). The Board may hold closed meetings to consider such subjects as may be allowed by law.
- b) **Monitoring of Police Training.** The Board shall monitor the Department's compliance with the training mandates of the SAFE-T Act (Public Act 101-0652) and shall receive quarterly reports from the Chief of Police regarding the status of the Department's compliance efforts.
- c) **Consideration of Citizen Complaints and a Police Officer's Use of Force.** The Board shall:
  - 1. Receive all Citizen Complaints and refer them to the Chief of Police for review;

2. Reject all anonymous, oral, unsigned, unsworn, or unverified complaints that fail to qualify as a Citizen Complaint under this Section in a written letter signed by the Chair to the Complainant stating the reason(s) for the Board's rejection;
  3. Consider whether a Citizen Complaint or a Police Officer's Use of Force presents a reasonable basis to believe that a Police Officer may have violated a Department policy, and provide written recommendations regarding same to the Chief of Police;
  4. Conduct an Informal Inquiry regarding a Citizen Complaint or a Police Officer's Use of Force, mediate same, or discuss the facts of same to determine whether a Formal Investigation should be commenced, and provide written recommendations regarding same to the Chief of Police;
  5. Consider evidence or testimony from the Complainant and other relevant witnesses in an open hearing as part of an Informal Inquiry or Minor Infraction regarding a Citizen Complaint or a Police Officer's Use of Force;
  6. Prior to the Police Chief's issuance of any discipline resulting from a Minor Infraction or Formal Investigation of a Citizen Complaint or a Police Officer's Use of Force, the Commission shall review the records regarding same (including, but not limited to, police case records and internal reports, incident reports, interview transcripts, and audio/photo/video recordings), and provide written recommendations to the Chief of Police as to whether the Board finds that it is more likely than not that a Police Officer violated a Department policy and the discipline, if any, which should be imposed for said violation(s);
  7. Receive a timely report from the Police Chief of the ultimate disposition of any discipline resulting from a Minor Infraction or Formal Investigation of a Citizen Complaint or a Police Officer's Use of Force;
  8. Refer any knowingly false material information provided in a Citizen Complaint or other testimony before the Board to the City Attorney for a determination of prosecution;
  9. Request the cooperation of any Complainant, Police Officer, or City employee in connection with the Board's consideration of a Citizen's Complaint and a Police Officer's Use of Force;
  10. Inform the Complainant in writing or at an open meeting of the Board's consideration of the Citizen Complaint;
  11. Refrain from formally considering the final decision of any Administrative Proceeding or discipline issued; and
  12. If the Police Chief is the subject of a Citizen Complaint or Police Officer's Use of Force, refer same and the Board's written recommendations to the City Manager.
- d) No Police Officer shall be subjected to an Interrogation before the Board, nor shall any Police Officer be compelled to appear, attend, cooperate or participate in any proceeding before the Board including, but not limited to, the Board's consideration of an Informal Inquiry, Minor Infraction, or Formal Investigation.

#### **46.06 PUBLIC INSPECTION**

The Board Secretary, in coordination with the City Manager, shall create and maintain a website page for the Board on the City's official website that describes the Board and the Board's members, duties, and authority. The website page shall also provide the following information:

1. A copy of this Chapter;
2. The Department's official website, organizational chart, and publicly posted policies,
3. A Citizen Complaint form with instructions regarding the filing of same;
4. The Board's process and expected timing for referring and considering a Citizen Complaint;
5. The Board's agendas, minutes, regulations, and written recommendations; and
6. The final decision of any discipline relating to a Citizen's Complaint or a Police Officer's Use of Force.

To the extent allowed by law, the Board shall keep confidential and exempt from public disclosure the Complainant's identity, the victim's identity, all records relating to an Administrative Proceeding or Formal Investigation (except the final outcome of any discipline imposed), all matters discussed in closed session, and all other information which may be exempt from public disclosure under the OMA and the Illinois Freedom of Information Act (the "FOIA"), 5 ILCS 140/1, *et seq.*, including, but not limited to, the Citizen Police Review Board OMA/FOIA Exceptions/Exemptions attached hereto and incorporated herein by reference as Exhibit A (the "Confidential Information"). A person's intentional failure to keep confidential the Confidential Information shall be a violation of this Code that is subject to administrative adjudication and a penalty consisting of fine in an amount not to exceed \$750 plus costs, as well as such other penalties and remedies as may be provided by law including, but not limited to, removal of office and criminal prosecution.

#### **46.07 SEVERABILITY**

If any section, paragraph, sentence, or clause of this Chapter 46 is, for any reason, held to be invalid, unconstitutional, or in conflict with any part of the DeKalb Municipal Code, such decisions shall not affect the validity of any other part of this Chapter.

**CHAPTER 49  
HUMAN RELATIONS COMMISSION**

**LATEST REVISION:** August 22, 2022 (Ordinance 2022-041)

**SECTIONS:**

**49.01 ESTABLISHMENT.**

**49.02 DEFINITIONS.**

**49.03 MEMBERSHIP AND OFFICERS.**

**49.04 REMOVAL.**

**49.05 MEETINGS.**

**49.06 DUTIES AND AUTHORITY.**

**49.07 MEDIATION, COLLABORATION AND DISPUTE RESOLUTION.**

**49.08 CLAIM FACILITATION.**

**49.09 SEVERABILITY.**

**49.01 ESTABLISHMENT.**

There is hereby established a Human Relations Commission for the City of DeKalb.

- a) **Policy.** It is the expressed intent of this Chapter to further the policy of the United States and the State of Illinois as expressed in their Constitutions and Law; to further understanding among people; and to protect and insure peace, health, safety and general welfare of all inhabitants of the City, it is hereby declared to be the policy of the City of DeKalb that discrimination based on race, creed, color, gender, religion, age, national origin or ancestry, physical or mental disability, marital status, matriculation, or sexual orientation is hereby prohibited.
- b) **Mission Statement.** The mission of the Commission shall be to foster a community that respects and supports the diversity and dignity of all people and promotes building strong relationships between its diverse citizens, groups, and organizations.

**49.02 DEFINITIONS.**

For the purpose of this Chapter 49, the following words shall have the meanings hereinafter assigned to them.

- a) "Age" as used in this Chapter shall be defined as eighteen (18) years of age, or older.
- b) "Commission" means the City of DeKalb Human Relations Commission.
- c) "Credit Transactions" means any application for credit, invitation to apply for credit, extension of
- d) "Disability" means any physical or mental impairment resulting from, or manifested from an anatomical, physiological, neurological, or psychological condition, demonstrable by medically accepted clinical or laboratory diagnostic techniques and which constitutes or is regarded as a substantial limitation to one or more of a person's major life activities. An individual with a disability is one who has a physical or mental disability as defined above, has a record of such disability, or is regarded as having such disability. For purposes of employment, a qualified person with a disability is a person who can perform the essential functions of the job, with or without a reasonable accommodation.
- e) "Discriminate" and "Discrimination" mean any differences in treatment based on race, creed, color, gender, religion, age, national origin, or ancestry, physical or mental disability, marital status, matriculation, or sexual orientation.

- f) "Employee" includes any and all persons who perform services under the direction and control of, and for any employer for compensation, whether in the form of wages, salary, commission or otherwise, excluding the parents, spouses or children of the employer and excluding independent contractors, although they may be subject to this Chapter as employers or in any other capacity covered hereunder.
- g) "Employer" includes any person within the City of DeKalb, including but not limited to owners, managers, supervisors, or others who serve a supervisory function, who hires or employs any employee whose services are to be partially or wholly performed in the City of DeKalb.
- h) "Employment Agency" means any person regularly undertaking with, or without compensation, to procure employees for an employer, or to procure for employees opportunities to work for an employer, to recruit, refer, or place employees.
- i) "Gender" means a person's actual or perceived sex, and includes a person's gender identity, appearance, or behavior, whether or not that gender identity, appearance or behavior is different from that traditionally associated with the person's sex at birth.
- j) "Housing Accommodations" include all buildings, structures, or any portions thereof, within the City of DeKalb, which are used or occupied, or are maintained, arranged, or designed to be used or occupied as a home, residence or sleeping place for one or more human beings.
- k) "Marital Status" means the legal status of being married, single, separated, divorced, or widowed, and/or parental status with or without children and regardless of the age of the children.
- l) "Matriculation" means the condition of being enrolled in a college, university, professional, proprietary, vocational, technical school, or adult education program.
- m) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, joint stock companies, mutual companies, trustee, trustees in bankruptcy, receivers and any other incorporated or unincorporated organized group. The term includes, but is not limited to, any real estate owner, lessor, assignor, builder, manager, broker, salesman or agent, or any lending institution.
- n) "Public Accommodation" means any business, enterprise or activity consisting of or involving furnishing, providing or making available to the public any goods, services, accommodations, entertainment, amusements, facilities, advantages or privileges, including but not limited to inns, cafes, restaurants, taverns, hotels, barber shops, salons, retail stores, restrooms, theaters, skating rinks, swimming pools, public golf driving ranges, concerts, crematories, cemeteries, airplanes, buses, boats and any other public conveyances on land, water or air, and other places of public accommodation and/or amusement. This paragraph shall not apply to any public school system.
- o) "Sex" means a person's identity as male or female as indicated by the designation of male or female on any official identification form recognized within the State of Illinois, including a driver's license or state identification card.
- p) "Sexual Harassment" is a form of sex discrimination and is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature or a discriminatory nature. In the context of employment, sexual harassment includes such conduct when:
  1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or



2. Submission to or rejection of such conduct by an individual is used as a basis for employment or decisions affecting an employee; or
  3. Such conduct has the purpose or effect of substantially interfering with an individual's employment or performance or creating an intimidating, hostile, or offensive employment environment.
- q) "Sexual Orientation" means heterosexuality, homosexuality, or bisexuality, actual or perceived. Sexual orientation shall not be construed to protect conduct otherwise proscribed by law.

#### **49.03 MEMBERSHIP AND OFFICERS.**

- a) Commissioners. The Human Relations Commission shall have seven (7) Commissioners, who shall be referred to and known as the Human Relations Commissioners, and who shall be appointed by the Mayor with the advice and consent of the City Council for terms of three (3) years.
- b) Chairperson. The Chairperson shall be appointed by the Mayor with the advice and consent of the City Council for a term of two (2) years. Reappointment shall be at the discretion of the Mayor with the advice and consent of the City Council. The Chairperson shall receive no salary but may be compensated for expenses incurred in the performance of commission duties, to the extent that any such expenses are budgeted for and are preapproved by the City Manager. The Chairperson shall supervise the activities and duties of the Human Relations Commission and shall preside over all of its meetings in addition to the powers enumerated below. The Chairperson shall participate in all matters and shall vote on all issues before the Commission.
- c) Residency. All persons appointed to the Human Relations Commission shall reside within one and one-half miles of the city limits of the City of DeKalb, Illinois.
- d) Coordination, Services, and Interns. The Human Relations Commission shall, if authorized and budgeted by the City Council, have a coordinator to assist with publicity, meeting arrangements, coordination of social events, coordination with other public and private entities, and to perform similar work. In addition, the Commission shall have the authority and ability to work with Northern Illinois University or other educational institutions to develop internships or cooperative agreements for the benefit of the City and Commission, subject to approval by the City Manager.
- e) Training: Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).
- f) Compensation: Each member shall serve without compensation.

#### **49.04 REMOVAL.**

~~The Chairperson and the Commissioners appointed herein may be removed for cause by the City Council.~~

The Mayor, with a three-fourths (3/4) majority vote of the City Council members then holding office, may remove a member at any Regular City Council meeting.

#### **49.05 MEETINGS.**

The Chairperson shall call meetings for the Commission on a regular basis, not less than every other month on a schedule to be established and published by the Chairperson as required by law. The Chairperson or any four (4) Commissioners may call additional meetings as may be deemed

necessary by giving notice of the time and place of such meetings to all of the Commissioners, to the Chairperson, to others as required by law, and to the Coordinator, not less than forty-eight (48) hours prior to such meetings. All meetings shall be conducted in compliance with the Open Meetings Act.

Persons wishing to make public comment during a meeting will be limited to three (3) minutes.

#### **49.06 DUTIES AND AUTHORITY.**

It shall be the duty and authority of the Human Relations Commission to:

- a) Perform a mission of providing education and outreach programs to circulate information throughout the community regarding discrimination and human rights. As a component of this mission, the Commission shall develop and implement programs to educate the community, equalize opportunities, eliminate discrimination, and promote good will among all persons.
- b) Recommend to the appropriate agency or local, state, or federal regulatory or legislative body, administrative, legal, or other ameliorative action to be taken to eliminate discrimination and foster good will. In furtherance of this role, the Commission shall advise the City on issues of policy that relate to human relations or discrimination, shall interact with, advise, and consult with department heads of the City regarding City policy, and shall otherwise make recommendations of policy to the City to address, redress, prevent or discourage acts of discrimination.
- c) Invite and enlist the cooperation of any citizen, organization or committee which can be of benefit in fulfilling the responsibilities of the Human Relations Commission in carrying out specific programs designed to lessen conflicts and improve understanding in the community.
- d) The Commission may also cooperate and assist any person who requests such cooperation or assistance for the purpose of developing and maintaining programs to promote a non-discriminatory atmosphere.
- e) The Commission may work cooperatively with community groups, other governmental institutions, not for profit organizations and interested persons in furtherance of the goals and mission contemplated herein.
- f) The Commission shall also have those powers outlined in any other, separate section of this Chapter 49.
- g) The Commission may enter into written agreements for the provision of services or labor, or for other Commission business, when such agreements are: i) approved by the City Manager or City Council; ii) within budgeted and appropriated amounts for such purpose; iii) in a form acceptable to the City Attorney; and iv) in compliance with all applicable legal requirements. The Commission shall not have the authority to bind or obligate the City in any fashion, except as the City Manager or City Council shall expressly authorize in writing.
- h) The Commission may work with City departments to resolve differences relating to discrimination or human rights/relations concerns. City staff shall meet with Human Relations Commission members from time to time to discuss such concerns as they arise, subject to the participation of the City Attorney.

#### **49.07 MEDIATION, COLLABORATION AND DISPUTE RESOLUTION.**

Any member of the public may request that the Commission assist with the mediation or resolution of a claim or dispute between two parties. Provided that all parties to the dispute agree to participate in a mediation, collaboration or dispute resolution process, the Commission shall have

the authority to organize and conduct such discussions. All such discussions shall be conducted in open session meetings, and the Commission shall not have the authority to enter into confidential or caucus discussions with individual parties. The Commission may request the attendance of any person or entity at such meetings. At such meetings, the Commission shall work to devise a mutually acceptable, collaborative solution to a given dispute and, if such a resolution is reached, shall document said resolution in a fashion acceptable to all parties. In addition, Commissioners may meet with or participate in facilitation or dispute resolution efforts outside of an open meeting of the Commission, where permitted under applicable law, to act in furtherance of such dispute resolution.

#### **49.08 CLAIM FACILITATION.**

The Commission shall develop resources and partnerships so that it may provide information on identifying agencies responsible for investigation or prosecution of alleged incidents of discrimination or violation of human rights, identifying appropriate remedies and means of accessing those remedies, and other similar steps needed to ensure that residents of the City and surrounding areas have immediate, practical, efficient access to available tools for identifying, combatting and responding to discrimination. The Commission shall be authorized to partner with interested groups and local agencies, schools, universities, bar associations, not for profit entities, faith-based groups, and any other interested parties to develop educational information and to share such information, both on a general basis and on an individual basis when and if a person with a claim of discrimination comes forward. The Commission shall further be authorized and empowered to develop a system of providing individual responses to those with claims of discrimination, on a one-on-one basis, to ensure that claims are brought before agencies having jurisdiction over such claims within the time periods limited by law. The Commission shall not, itself, receive or process complaints, but shall work to make certain that existing external resources are made available to City residents.

#### **49.09 SEVERABILITY.**

If any section, paragraph, sentence, or clause of this Chapter is, for any reason, held to be invalid, unconstitutional or in conflict with any part of the DeKalb Municipal Code, such decisions shall not affect the validity of any other part of this Chapter.

**CHAPTER 50  
CITIZENS' ENVIRONMENTAL COMMISSION**

**LATEST REVISION:** June 25, 2018 (Ord 2018-031)

**SECTIONS:**

**50.01 ESTABLISHMENT.**

**50.02 MEMBERSHIP.**

**50.03 COMMISSION OFFICERS.**

**50.04 DUTIES.**

**50.05 MEETINGS.**

**50.06 VOTING PRIVILEGES AND QUORUM.** (2016-023)

**50.07 P.R.I.D.E. AWARDS.** (2016-023)

**50.08 CONTRACTS AND EXPENDITURES.** (2018-031)

**50.01 ESTABLISHMENT.**

There is hereby established a Citizens' Environmental Commission for the City of DeKalb. The Commission shall consist of eight (8) regular members and four (4) ex-officio members representing, respectively, the DeKalb County Health Department, the DeKalb Park District, the Kishwaukee Water Reclamation District, and Northern Illinois University. In addition, the City Manager or designee is hereby designated as the City Staff Liaison and shall work with the Commission to carry out its duties and to facilitate and foster cooperation between the Commission and the City Staff in carrying out environmental projects and programs. All regular members of the Commission shall be appointed by the Mayor, after consultation with the Commission and with the advice and consent of the City Council. Ex-officio members shall be appointed by the respective organizations they represent subject to the approval of the Mayor. (1994-099, 2004-100, 2016-023, 2018-031)

**50.02 MEMBERSHIP.**

a) Regular Members.

All terms for regular members shall be for two (2) years, commencing on the first day of the fiscal year and ending on the last day of the fiscal year. Four (4) regular members' terms shall end in odd numbered years and the other four (4) regular members' terms shall end in even numbered years. Whenever a vacancy occurs, the appointment shall be made by the Mayor, after consultation with the Citizens' Environmental Commission and with the advice and consent of the City Council. Regular members may be re-appointed to subsequent terms. All regular members shall be residents of the City of DeKalb, Illinois, except that up to two (2) persons who are not residents of the City may be appointed to the Commission provided that they are either owners of businesses within the DeKalb corporate limits or are employed full time at locations within the DeKalb corporate limits. (1991-108, 1991-117, 1994-099, 1998-073, 1998-120, 2004-100, 2016-023, 2018-031)

Training. Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).

Compensation. Each member shall serve without compensation.

Removal. The Mayor, with a three-fourths (3/4) majority vote of the City Council members then holding office, may remove a member at any Regular City Council meeting.

b) Ex-Officio Members (2016-023)

Ex-officio members shall not have specific term limits but may be discharged from the Commission at any time and for any reason upon recommendation of the Mayor with the advice and consent of the City Council. Ex-officio members do not need to be residents of the City of DeKalb. (2016-023)

**50.03 COMMISSION OFFICERS.**

The Mayor shall appoint a chairperson with the advice and consent of the City Council. At the beginning of each fiscal year, the Commission shall elect from its regular membership a vice-chairperson and such other officers as may be necessary to conduct the business of the Commission. Ex-officio members shall not be eligible for Commission offices. The City Staff Liaison shall be responsible for seeing that minutes are taken at meetings and distributing official meeting announcements, agendas, minutes, and other official communications with the Commission membership and the City. The chairperson shall preside over meetings and shall appoint members of the Commission to any subcommittee which the Commission shall from time to time create. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson. (2016-023, 2018-031)

**50.04 DUTIES.**

The Citizens' Environmental Commission shall examine, study and identify issues related to the environment and conduct appropriate programs and activities designed to enhance the quality of life in DeKalb. Each fiscal year, the Commission shall develop relevant goals and objectives to carry out its duties and submit these to the City Council for approval. The Commission shall also be responsible for seeing that the City's Sustainability Plan is being implemented and appropriately monitored for progress. The City Staff Liaison shall be responsible for maintaining records regarding the implementation and monitoring of the Sustainability Plan. A report documenting progress on the implementation and monitoring of the Sustainability Plan shall be submitted to the City Council annually for its review and comment. The City Council may also direct the Commission to prepare advisory recommendations on the methods and programs best suited to address environmental issues in DeKalb. The City Staff shall present the advisory recommendations to the City Council and other appropriate City Boards and Commissions, as necessary. Upon receiving direction from the City Council regarding Commission recommendations, the City Staff will coordinate the implementation of the approved recommendations with the assistance of the Commission as necessary and appropriate. The Commission and City Staff shall monitor and evaluate the implementation activities and regularly report their findings to the City Council. (1994-099, 2016-023, 2018-031)

**50.05 MEETINGS.**

The Commission's chairperson shall call the meetings for the Commission on a regular basis, at least once per month. The schedule shall be established and published by the City Staff Liaison as required by law. The Chairperson may call additional meetings of the whole or subcommittee meetings as may be deemed necessary. Notice of the time and place of such meetings shall be made by the City Staff Liaison to all Commission members, and to the news media as required by law. Such notifications shall not be less than forty-eight (48) hours prior to such meetings.

Regular and ex-officio members of the Commission are expected to attend and participate in all regular and special meetings of the Commission. When a member cannot attend a meeting, that member shall notify the City Staff Liaison prior to the meeting. When a regular member misses three (3) or more meetings within any six (6) month period, the absences shall be reported to the Mayor in writing by the chairperson of the Commission. The Mayor may choose to remove the member from the Commission by sending the member a written notification of dismissal due to

excessive absences. Such notice shall be sent within 30 days of receipt of the chairperson's notification. If removed from the Commission, the member may reapply for membership in the year following removal. Any subsequent appointment to the Commission shall be in accordance with the requirement outlined in Section 50.02 of this code. Ex-officio members, who cannot attend a meeting, are encouraged to send a qualified substitute from the agency they represent. (2018-031)

The City Staff Liaison shall make available copies of minutes from each meeting to the Mayor and City Council. The chairperson, in consultation with the Commission members, shall make an annual report near the end of the fiscal year to the City Council, and shall make such other reports and/or recommendations as may be requested from time to time by the City Council or, as recommended by the Commission. (1994-099, 1998-120, 2016-023)

Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

#### **50.06 VOTING PRIVILEGES AND QUORUM. (2016-23)**

Only regular members of the Commission shall be eligible to vote on matters before the Commission. Ex-officio members shall serve in an advisory capacity only. A quorum shall consist of a majority of the voting members of the Commission. All actions and recommendations to the City Council shall be made by a majority vote of the voting members present where a quorum exists. (1998-120, 2016-023)

#### **50.07 P.R.I.D.E. AWARDS**

Each fall, the Citizens' Environmental Commission shall solicit, review, and vote on P.R.I.D.E. (People Responsible for Improving the DeKalb Environment) Awards for organizations, businesses, and/or individuals. These awards recognize those that have made a significant impact on improving the environment in DeKalb. Specific criteria for the awards shall be developed by the Commission and are subject to approval of the City Council. P.R.I.D.E. Awards shall be presented at the appropriate City Council meeting, typically in December, by the chairperson of the Citizens' Environmental Commission or the City Staff Liaison. (1991-102, 1994-099, 1998-120, 2016-023, 2018-031)

#### **50.08 CONTRACTS AND EXPENDITURES (2018-031)**

##### **a) Annual Budget.**

Each year, and not later than June 1, the Commission may establish a proposed annual budget for Commission activities for the following fiscal year, which budget shall be submitted to the City Council of the City of DeKalb for consideration. Said Commission Budget shall include a statement of anticipated revenues and expenditures for the Commission, and shall be subject to review, modification and approval by the City Council as a component of their annual budget approval. The Commission Budget, if any, approved by the City Council shall serve as the sole source of funds for the Commission, and the Commission shall not exceed any limitation set within the Commission Budget, except after approval of a budget amendment by the City Council, in the customary form utilized by the City for any budget amendment.

Notwithstanding any contrary City policy, code, ordinance, resolution or regulation, funds raised by the Committee pursuant to this subsection shall not be subject to any language imposing a requirement for maintenance of a minimum fund balance, nor for maintaining any minimum fund balance amount in excess of anticipated/planned appropriations or expenditures.

##### **b) Annual Revenues.**

Any Commission Budget approved by the City Council shall include an estimate of Commission

revenues for a given fiscal year. However, it is acknowledged that the Commission shall have no power to tax or to levy assessments. Accordingly, separate from the limitations established in the Commission's approved Budget, the Commission's expenditures shall be limited to the revenues actually received by the Commission and on hand at any time. The Commission shall not have the authority to incur any debt or liability in excess of the Commission's then current funds actually available, unencumbered and on hand, and shall not have the ability to bind the City (or the Commission) to any debt or obligation beyond the scope of an approved purchase completed in accordance with the terms of this Ordinance.

c) Contracts and Expenditures.

The Commission shall have the ability to approve contracts and agreements, and to incur liabilities, in accordance with the terms of this Ordinance and the following conditions:

1. Any such contract or liability shall be required to comply with the terms of subsection (b), and be within the scope of the approved Budget and funds available and on-hand for the Commission;
2. Any such contract or liability shall require an affirmative, 2/3 supermajority vote of the members of the Commission in attendance at any given meeting of the Commission;
3. Any contract or liability shall be subject to the then-current Purchasing Policy and Manual of the City of DeKalb.
  - (a) Purchases under \$5,000 may be completed on the basis of staff review, with any contract or agreement being in form and content acceptable to the Finance Director and City Attorney.
  - (b) Purchases of \$5,000 or more shall require the approval of the City Council prior to being incurred. The Commission may undertake such a purchase by forwarding its positive recommendation for purchase to the City Council for review and consideration of approval. After approval by City Council, such purchases shall be completed pursuant to the City's normal practices for Council-approved expenditures.

Any proposed purchase of the Commission must comply with all applicable laws and must be a lawful expenditure of funds by a public body. Any proposed expenditure must be in the public interest and protect and promote public health, safety or welfare. No funds shall be expended in furtherance of any political or religious activity.

d) Grant Applications.

Within the scope of the Commission's approved Budget, the Commission may apply for grants, honorariums or other similar endowments as it may qualify for from time to time, in furtherance of its activities. All proceeds from any such successful application shall be subject to the terms of this Ordinance.

e) Segregation of Commission Funds.

The City Council acknowledges that the Commission may engage in fundraising efforts so as to produce revenues to meet the Commission Budget estimates on an annual basis. All proceeds raised by the Commission through any means shall be placed with the Finance Director for deposit in a segregated line item for the Commission. Such proceeds shall only be utilized for official Commission business as approved by the Commission, unless this Ordinance is later

amended to allow for other use. The Commission shall deposit all funds received with the Finance Director, and shall not retain any proceeds, petty cash or otherwise, outside of the official deposit accounts of the City of DeKalb.



**CHAPTER 54  
FINANCIAL ADMINISTRATION**

**LATEST REVISION:** July 9, 2018 (Ordinance 2018-037)

**SECTIONS:**

- 54.01 FINANCE DEPARTMENT.**
- 54.02 FINANCE DIRECTOR.**
- 54.03 DUTIES OF THE FINANCE DIRECTOR.**
- 54.04 BUDGET OFFICER.**
- 54.05 MUNICIPAL AND FISCAL YEAR.**
- 54.06 ANNUAL BUDGET.**
- 54.07 FINANCIAL PLAN.**
- 54.08 INTENTIONALLY OMITTED.**
- 54.09 DEPOSIT OF CITY FUNDS.**
- 54.10 INTENTIONALLY OMITTED.**
- 54.11 PROPERTY TAX LEVY ORDINANCE.**
- 54.12 ANNUAL AUDIT.**
- 54.13 INTENTIONALLY OMITTED.**
- 54.14 INTENTIONALLY OMITTED.**
- 54.15 DISPOSITION OF PERSONAL PROPERTY.**
- 54.16 FINANCE ADVISORY COMMITTEE.**

**54.01 FINANCE DEPARTMENT**

There is hereby established a Finance Department of the City of DeKalb which shall consist of the Finance Director and other positions as may be authorized by the City Council. The Finance Department shall be organized and supervised as determined by the City Manager. (2014-025)

**54.02 FINANCE DIRECTOR**

- a) There is hereby created the position of Finance Director who shall be appointed and removed at the discretion of the City Manager. The Finance Director shall have responsibility and supervision over all employees assigned to the Finance Department subject to the overall authority of the City Manager. The Finance Director may designate others within this department to exercise powers and perform functions in this Chapter.
- b) In the event of a vacancy in the position of Finance Director, whether by virtue of the resignation, illness or other unavailability of the Finance Director, the City Manager may appoint one or more persons to serve as Acting Finance Director or may otherwise delegate the authority of the Finance Director as he/she sees fit.
- c) The Finance Director, serving as Treasurer, shall have a bond in an amount sufficient to satisfy the requirements applicable under 65 ILCS 5/5-3-9.
- d) The Finance Director shall not have an interest directly or indirectly in any contract, work or business for or with the City, or in the sale of any article to the City, or in the purchase of any property belonging to the City.
- e) The Finance Director shall keep all monies belonging to the City separate and distinct from the Director's own monies, and is prohibited from using, either directly or indirectly, the City money in the Director's custody, or any interest collected thereon, for his/her own use and

benefit or for that of any other person and shall ensure that these same prohibitions and requirements apply to all other employees of the Finance Department.

#### **54.03 DUTIES OF THE FINANCE DIRECTOR**

The Finance Director shall devote the Director's entire time to the duties of the City at all reasonable hours and in particular shall: (2014-025)

- a) Exercise and perform all the financial powers and duties of the City Treasurer, Collector or Comptroller pursuant to ordinance or the Illinois Compiled Statutes. (2014-025)
- b) Exercise and perform all financial powers and duties now or hereafter granted or assigned by ordinance, Illinois Compiled Statutes or by the City Manager.
- c) Maintain custody of monies belonging to the City of DeKalb and ensure that all funds of the City are properly deposited or invested in accordance with deposit and investment policies set forth in the City's then-current Financial Policies.
- d) Maintain the City of DeKalb's financial records in accordance with City ordinances, state or federal regulations, generally accepted municipal financial management and accounting principles and practices and as otherwise directed or authorized by the City Manager.
- e) Pay all warrants, bills or orders properly presented to the Finance Department in a reasonable and timely manner with checks drawn upon the proper funds signed by the Mayor and countersigned by the Finance Director. (2014-025)
- f) Ensure the proper, efficient, and effective receipt and disbursement of all City funds, maintain proper, efficient, and effective systems for accounts receivable, accounts payable, payroll, financial reporting, internal financial, administrative and accounting controls, and financial records, and otherwise maintain the City of DeKalb's financial systems and perform such activities as necessary and as required by state or federal law or regulation, ordinance or as directed by the City Manager.
- g) Make such recommendations to the City Council and City Manager as the Director shall deem appropriate to ensure compliance with applicable laws or regulations, City policies or ordinances or best financial or management practices. (2014-025)
- h) Exercise control and management, and direct, supervise, and coordinate all activities of all personnel, contractors and other persons within the Finance Department or otherwise under his/her direction, subject to the authority of the City Manager. (2014-025)
- i) Perform such other duties and prepare such other reports or recommendations as may be directed by the City Manager. (2014-025)
- j) Keep the City Council, City Manager and City Attorney apprised at all times of any actual or potential financial irregularity. (2014-025)
- k) Serve as signatory and account representative for the City on financial, investment, retirement fund or other similar accounts maintained or established by the City, as may be directed by the City Manager. (2014-025)
- l) Comply with the applicable terms of the then-current Financial Policies and Purchasing Manual adopted by the City Council. The Financial Policies and Purchasing Manual shall initially be adopted by the City Council by Resolution and may subsequently be amended by Resolution of the City Council.

#### **54.04 BUDGET OFFICER**

The Finance Director is hereby designated to serve as Budget Officer and is authorized to empower or delegate to other city officials all or part of the authority and responsibilities of Budget Officer. The Budget Officer or designee shall have the power and duties as set forth in the Illinois Compiled Statutes as may be amended, including the following powers and duties: (2014-025)

- a) Permit, encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all City departments, boards, commissions and funds;
- b) Compile an annual budget in accordance with Section 54.06 of this chapter; (2014-025)
- c) Examine all books and records of all city departments, boards, commissions or funds which relate to monies received by the City and paid out by the City, debts and accounts receivable, and amounts owed by or to the City.

#### **54.05 MUNICIPAL AND FISCAL YEAR**

The municipal and fiscal year of the City of DeKalb shall commence the first day of January of each year and end on the last day of the next succeeding December. This section shall not affect the beginning or ending terms of any licenses or permits issued by the City of DeKalb unless expressly so provided in chapters dealing therewith. (2014-025; 2016-001)

#### **54.06 ANNUAL BUDGET (2014-025)**

The City's annual budget for each fiscal year beginning upon each January 1 shall be compiled and acted upon pursuant to the requirements and procedures as set forth in the Illinois Compiled Statutes, Chapter 65, Paragraphs 5/8-2-9.1 through 5/8-2-9.10, which are hereby adopted. These statutory provisions, and the use of the authority granted therein, are generally set forth as follows: (2016-001)

- a) The Budget Officer shall compile an annual budget containing estimates of revenues available to the City for the fiscal year for which the budget is drafted, together with recommended expenditures for the City and its departments, boards, commissions and funds. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices. The budget shall contain actual or estimated revenues and expenditures for the two years immediately preceding the fiscal year for which the budget is prepared. The budget shall show the specific fund from which each anticipated expenditure shall be made.
- b) Passage of the annual budget by the City Council shall be in lieu of passage of an appropriations ordinance. The annual budget need not be published except in a manner provided for in paragraph (f) below. The annual budget shall be adopted by the City Council before the beginning of the fiscal year to which it applies.
- c) In the preparation by the budget officer of the annual budget, an amount as established by the City Council from time to time may be accumulated in a separate fund for the purpose or purposes of specific capital improvements, repairs, and/or replacement of specific types of municipal equipment or other tangible property, both real and personal, to be designated as the "Capital Projects Fund". Expenditure from this fund shall be budgeted in the fiscal year in which the capital improvement, repair or replacement will occur. (2014-025)
- d) The City Budget is organized in the following structure: Budget, Fund, Department, Expense Category and then Line Item. Subject to the limitations of (d)(1) and (2) below, the City Council

authorizes the City Manager and the Manager's designees to modify the budget: 1) by deleting, adding to, changing or creating new line items to the approved budget; or, 2) to transfer monies within a given Fund, Department or Expense Category.

1. No modification to the City Budget shall occur without the approval of the City Council if the net result would be to cause a fund to be over-budget.
  2. Any modification that is proposed for a capital expenditure in excess of the City Manager's spending authority shall require the approval of the City Council. The City may revise the approved annual budget for the purposes set forth in (d)(1) or (d)(2) above, or for any other reason, by a vote of two-thirds of the members of the corporate authorities then holding office. No revision of the budget shall be made increasing the total budget in the event funds are not available to effectuate the purpose of the revision.
- e) The City Council shall make the tentative annual budget conveniently available to public inspection for at least ten days prior to the passage of the annual budget, by publication in the journal of the proceedings of the City Council or in other such form as the City Council may prescribe. Not less than one week after the publication of the tentative annual budget, and prior to final action on the budget, the City Council shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings the tentative budget may be further revised and passed without further inspection, notice or hearing. Notice of this hearing shall be given by publication in a newspaper having a general circulation in the municipality at least one week prior to the time of the hearing.

#### **54.07 CAPITAL PLAN**

The City shall endeavor to create and periodically update a five-year capital plan, projecting the City's capital needs and the estimated funds or resources necessary to provide for the orderly operation of the City's infrastructure and operations.

#### **54.08 INTENTIONALLY OMITTED**

#### **54.09 DEPOSIT OF CITY FUNDS (2014-025)**

The Finance Director shall retain at least one financial institution in the City of DeKalb corporate limits to act as a qualified depository of public funds in compliance with State statute. The institution must maintain its main office or a branch office within the City of DeKalb corporate limits. If the headquarters of the institution is not located within the City limits, the branch office must be able to offer the full range of banking services required by the City. Nothing herein shall be construed as requiring the deposit of all City funds in a bank or financial institution located within the City. The Finance Director shall establish written procedures for reviewing the effective deposit of City funds in regards to safety, convenience, services, costs, and other pertinent factors. (2014-025)

#### **54.10 INTENTIONALLY OMITTED**

#### **54.11 PROPERTY TAX LEVY ORDINANCE (2014-025)**

The City Council shall annually, on or before the second Tuesday in December in each year, adopt an ordinance levying property taxes for that year in compliance with all applicable State laws and regulations. A certified copy of such ordinance shall be filed with the County Clerk of DeKalb County on or before the last Tuesday in December in each year, and said taxes shall be collected in the manner provided for by the laws of the State of Illinois.

#### **54.12 ANNUAL AUDIT (2014-025)**

At the close of each fiscal year, an independent audit of all City of DeKalb accounts shall be conducted independently of the City Manager and Finance Director. Such audit shall be made by Certified Public Accountants, selected by the City Council, licensed by the State of Illinois, and fully experienced in municipal accounting. Said audit shall be completed in all respects and submitted to the City Council by June 30 of each year unless an extension to that date is approved by the City Council. Copies of said audit shall be made available for public inspection and filed with the County Clerk. Any audit findings shall be reported by the auditor to the City Council, and the City Manager and Finance Director shall be responsible for any and all corrective actions and the reporting of same to the City Council. (2016-001)

#### **54.13 INTENTIONALLY OMITTED**

#### **54.14 INTENTIONALLY OMITTED**

#### **54.15 DISPOSITION OF PERSONAL PROPERTY (2014-025)**

The City Manager shall be responsible for authorizing the disposition of equipment, materials, supplies and such other personal property of the City, of a value of \$20,000.00 or less. The City Council shall be responsible for authorizing or delegating the authority to authorize the disposition of equipment, materials, supplies and such other personal property of the City, of a value of \$20,000.01 or more. The disposition of personal property may be by sale, transfer, trade-in, exchange or salvage. The City Manager, department head or such other staff member as may be familiar with the personal property shall first make a determination that the personal property is no longer necessary, appropriate, required for the best use of, profitable to, or in the best interests of the City. Competitive bidding is not required for the disposition of personal property. (2007-083)

#### **54.16 FINANCE ADVISORY COMMITTEE (2010-012, 2014-025)**

- a) Creation. There is hereby created a Finance Advisory Committee whose purpose it shall be to assist the City Council and City staff in analyzing the City's financial policies, long term financial stability, options for greater efficiencies and possible revenue and expenditure modifications. (2010-012)
- b) Membership. The Finance Advisory Committee shall consist of seven (7) members appointed by the Mayor, on the basis of their particular fitness for their duty on said Finance Advisory Committee, and subject to the approval of the City Council. Members of the Finance Advisory Committee shall reside within the City. The chairman shall be appointed by the Mayor with the advice and consent of the City Council for a term of two (2) years.
- ~~e) Initial Terms of Office. Initial terms of office shall be structured as follows: Two terms expiring June 30, 2010, two terms expiring June 30, 2011, two terms expiring June 30, 2012 and one term expiring June 30, 2013. (2010-012)~~
- d) Terms of Office. All terms of office ~~after the initial terms referenced in Subsection (e)~~ shall be four (4) years with terms expiring December 31 each year. ~~No members shall serve for more than two (2) consecutive terms except when a vacancy has been created by the resignation or death of an appointed member of the Committee. In the event of such a vacancy, an appointment of a new member shall be made. If the remainder of the unexpired term is two (2) years or less, the newly appointed member shall be entitled to two (2) consecutive full four (4) year terms. Should the remainder of the unexpired term exceed two (2) years, then the remainder of the unexpired term shall be considered a full term of the newly appointed member. No member shall be allowed to serve more than ten (10) consecutive years regardless of the circumstances of appointment. All members of the Committee shall serve~~

~~without compensation. (2010-012, 2018-037)~~

Training: Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).

Compensation: Each member shall serve without compensation.

Removal: The Mayor, with a three-fourths (3/4) majority vote of the City Council members then holding office, may remove a member at any Regular City Council meeting.

Meetings: The Finance Advisory Committee shall meet as needed. Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

- e) f) Role and Duties. The Finance Advisory Committee shall be advisory to the Council. As such, the Finance Advisory Committee's role is to provide well-reasoned, financially sound recommendations to the Council. Meetings and reporting shall be on a project-by-project basis or as otherwise assigned by the City Council. The Finance Advisory Committee shall work in cooperation with the City Council and the City Manager to analyze the City's financial policies, long term financial stability, options for greater efficiencies and possible revenue and expenditure modifications. (2010-012)
- f) g) Staffing and Support. The City Manager shall provide sufficient staff support to the Committee. Support shall include professional and clerical assistance as needed to sustain the Finance Committee activities required. (2010-012)

**CHAPTER 59  
ECONOMIC DEVELOPMENT COMMISSION**

**LATEST REVISION:** July 25, 2022 (Ordinance 2022-031)

**SECTIONS:**

**59.01 COMMISSION CREATED.**

**59.02 PURPOSE.**

**59.03 CONFLICTS OF INTEREST.**

**59.01 COMMISSION CREATED**

- a) Creation. There is hereby created within the City an Advisory Commission to be known as the Economic Development Commission, which shall be advisory to the City Council and to City Staff as requested by the Council for the purpose of being an advocate promoting the City's economic development interests and programs.
- b) Composition: The Economic Development Commission shall consist of six (6) members plus an appointed Chair. A minimum of four (4) of the six (6) members, as well as the Chair, shall be DeKalb residents. The remaining two (2) members may reside in DeKalb or elsewhere, however if they live elsewhere, they must be employed or conduct their business in DeKalb. Additionally, the Mayor shall appoint an Alderman to serve as liaison to the commission in an ex-officio, non-voting capacity.

Voting Members shall be appointed recognizing the municipal interest of providing cross sector representation from within the business community. Therefore, consideration should be given to selecting members that have connections to various business and economic development sectors including, but not limited to agribusiness, banking and finance, community organizations, education, industrial, medical, real estate, construction and real estate development, retail, tourism, hospitality, and workforce development.

- c) Appointment: Members shall be appointed by the Mayor, with the advice and consent of the City Council. The Mayor shall appoint the Chair for a term of three (3) years. The commission shall elect from its members a Vice Chair. A City staff liaison shall serve as Secretary. Appointments shall be made on the basis of the individual's willingness to serve and ability to assist in the purpose and policies of the Commission.
- d) Training: Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).
- e) Compensation: Each member shall serve without compensation.
- f) Removal: ~~The Chair and the Members appointed herein may be removed in the manner provided by this Code.~~ The Mayor, with a three-fourths (3/4) majority vote of the City Council members then holding office, may remove a member at any Regular City Council meeting.
- g) Term: Members shall serve three (3) year ~~staggered~~ terms. ~~The initial terms of all original members of the commission shall commence upon their appointments. Two (2) of the seven (7) members shall serve for a term of one year. Two (2) of the seven (7) members shall serve for a term of two (2) years. Three (3) of the seven (7) members shall serve for a term of three (3) years. Upon the initial appointment of the seven (7) members, the Mayor shall designate the initial term of each member, i.e., one (1) year, two (2) years, or three (3) years. Thereafter, the members shall be appointed for three (3) year terms.~~

- f) Vacancies. Vacancies on the Commission shall be filled for the unexpired term of the member whose place has been vacant in the same manner in which the original appointments are required to be made.
- g) Meetings. All meetings of the Economic Development Commission shall be held in conformity with the Illinois Open Meetings Act. A quorum shall consist of four (4) members. The Commission's meetings shall be governed by rules and procedures applicable to committees of the City of DeKalb pursuant to City Code or State law. The Economic Development Commission shall meet on an as needed basis.

Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

- h) Reports and Records. The Commission shall keep permanent records and minutes of its meetings, showing the vote of each member upon each topic submitted to it. The Commission shall submit any recommendations to the Mayor and City Council in writing, together with any findings of fact necessary to support recommendations.

#### **59.02 PURPOSE.**

The purpose of the Economic Development Commission is as an advisory body and will make its recommendations to the City Council. In general, the Commission shall perform the following duties:

- a) Provide recommendations for the maintenance of the economic health of the existing community and the promotion of industrial, commercial, business, and retail development, as well as other supporting services which will provide quality job opportunities, diversify and broaden the tax base, and enhance the quality of life in the City of DeKalb.
- b) Engage in strategic economic development planning and provide recommendations for policy development.
- c) Make recommendations to the City Council on how to improve the overall competitiveness of the community, and how to create opportunities and developable sites for future economic development.
- d) Recommend goals and methods for enhancing the relationship between the City and its business community.
- e) Cooperate with local governments, economic development organizations, chambers of commerce, educational institutions, convention and visitors' bureaus, and other City organizations and commissions in their marketing and promotion efforts to attract new business to the community.
- f) Provide an annual update to the City Council on the activities of the Commission.
- g) Provide assistance to City staff as requested to meet project goals and deadlines, including assistance to the City Council in an advisory capacity in matters related to the City's activities under the State of Illinois Business Development and Redevelopment District statute.

#### **59.03 CONFLICTS OF INTEREST.**

Members shall disclose all direct personal financial interest in any matter that comes before the Commission and indicate any personal financial benefit that could result from a recommendation made by the commission. Such disclosure shall be made a matter of record. When concerned that there is a potential conflict of interest or a public perception of conflict of interest, the Commission should recuse him/herself from the particular discussion and shall not present, speak, vote or in any way attempt to exert any personal influence on such matters. When in doubt, the Commissioner may seek advice from the City Attorney, Community Development Director, or staff liaison to determine if a conflict or public perception of conflict might exist.



**CHAPTER 65**  
**CITIZENS' COMMUNITY ENHANCEMENT COMMISSION**

**LATEST REVISION:** January 11, 2021 (Ordinance 2021-002)

**SECTIONS:**

- 65.01 DEFINITIONS.**
- 65.02 PURPOSE AND CREATION.**
- 65.03 MEMBERSHIP.**
- 65.04 OFFICERS.**
- 65.05 MEETINGS.**
- 65.06 QUORUM.**
- 65.07 DUTIES AND POWERS.**

**65.01 DEFINITIONS.**

a) For the purposes of this Chapter 65, the following words shall have the meanings hereinafter assigned to them.

1. Commission: Citizens' Community Enhancement Commission of the City of DeKalb.
2. Improvement: Any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.
3. Property: A distinct parcel of real property which is assigned a separate tax parcel number by the DeKalb County Supervisor of Assessments.

**65.02 PURPOSE AND CREATION.**

- a) Purpose. The purpose of the Commission shall be to prepare, analyze, recommend and implement a plan to further enhance the appearance, quality of life and reputation of the City of DeKalb.
- b) Creation. There is hereby created a Commission which shall consist of seven (7), who shall be appointed by the Mayor with the advice and consent of the City Council. Commission members shall be from among the membership of local civic, educational, commercial, eleemosynary and philanthropic organizations, to the extent that such persons are available in the community and may include other persons who have demonstrated special interest, knowledge or experience, in planning, public relations, marketing, history, neighborhood preservation or related disciplines. The members shall reside within the City of DeKalb. The City Manager shall designate a staff liaison to the Commission.

**65.03 MEMBERSHIP.**

The Citizens' Community Enhancement Commission shall be comprised of seven (7) members, with each member appointed by the Mayor generally serving for a three (3) year term. Any appointment to the Commission by the Mayor, whether as an initial appointment or a reappointment, may be for a period of one to three years as determined by the Mayor, with the term of appointment being established in order to facilitate even turnover of membership in following years. Any member may be reappointed for such number of terms as determined to be appropriate by the Mayor; there shall be no limit on reappointment. All terms shall end on December 31.

Training: Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90<sup>th</sup> day after their appointment (including any reappointment).

Compensation: Each member shall serve without compensation.

Removal: The Mayor, with a three-fourths (3/4) majority vote of the City Council members then holding office, may remove a member at any Regular City Council meeting.

#### **65.04 OFFICERS.**

- a) The chair shall be appointed by the Mayor with the advice and consent of the City Council for a term of two (2) years. The Commission shall elect from its membership a vice-chair. The chair shall preside over meetings. In the absence of the chair, the vice-chair shall perform the duties of the chair. The Commission shall adopt its own bylaws and rules of order not inconsistent with this Chapter 65.

#### **65.05 MEETINGS.**

The Commission shall meet during the months of January, March, May, July, September, and November, or as often as necessary to carry out its assigned duties.

Persons wishing to make public comment during a meeting shall be limited to three (3) minutes.

#### **65.06 QUORUM.**

- a) A quorum shall consist of a majority of the members holding office. All recommendations to the City Council shall be made by a majority vote of those members present where a quorum exists.

#### **65.07 DUTIES AND POWERS.**

- a) The Commission shall have three (3) categories of duties and powers; the first, shall deal with developing a strategic long-range plan which will identify problem areas in the City's image and reputation, develop and recommend potential solutions to those problem areas and participate in the implementation of such solutions; the second, shall deal with the public relations and marketing issues that arise in the course of furthering a positive and welcoming image of the City; and, the third, shall deal with oversight and review of various programs to beautify and improve the appearance of the City of DeKalb.
  1. The Commission shall engage in marketing and public relations efforts, in concert with local civic, commercial, educational and philanthropic organizations, to further a positive and welcoming image of the City.
  2. The Commission shall provide oversight and review of various programs to improve the overall appearance of the City, including, but not limited to, beautification projects and awards programs.
  3. The Commission shall have the power to retain consultants to advise the Commission. Any contract retaining such consultant, which involves an expenditure of City funds shall be subject to approval of the City Council.
  4. To actively seek out those private and governmental sources of financial aid for those efforts to further a positive and welcoming image of the City.

5. To perform such other and further functions as may be directed by the City Council, from time to time.

