

RESOLUTION 2023-003

PASSED: JANUARY 9, 2023

CENSURING CITY CLERK SASHA COHEN FOR ABANDONMENT OF HIS OFFICIAL DUTIES AS CITY CLERK.

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, on April 6, 2021, Sasha Cohen was elected to serve as the City Clerk and perform such powers and duties as provided by law and the City's Municipal Code; and

WHEREAS, Section 3.14 of the City's Municipal Code provides that the City Clerk's duties 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; and overseeing the review, approval and release of all Executive Session minutes; and

WHEREAS, the City's corporate authorities find that City Clerk Sasha Cohen failed to perform the City Clerk's duties provided by Section 3.14 of the City's Municipal Code due to his absence from 24 of the 26 City Council meetings during the 2022 year and his absence from seven of the 19 City Council meetings during the 2021 year; and

WHEREAS, Section 8.04(c) of the City's Municipal Code provides that the City's officers and elected officials shall complete an annual ethics and sexual harassment prevention training as directed by the City's Ethics Advisor; and

WHEREAS, the City's corporate authorities find that City Clerk Sasha Cohen failed to perform his duties as required by Section 8.04(c) of the City's Municipal Code due to his failure to complete an annual ethics and sexual harassment prevention training during the 2021 year and the 2022 year; and

WHEREAS, pursuant to the Illinois Governmental Ethics Act, 5 ILCS 420/1-101, *et seq.*, City Clerk Sasha Cohen was required to file a statement of economic interests with the DeKalb County Clerk within the time required by law, and his failure to do so may subject him to prosecution resulting in the forfeiture of his office; and

WHEREAS, the City's corporate authorities find that City Clerk Sasha Cohen failed to file his statement of economic interests with the DeKalb County Clerk; and

WHEREAS, Section 2.12(z) of the City's Municipal Code adopts Robert's Rules of Order to govern the parliamentary procedure of City Council meetings; and

WHEREAS, Robert's Rules of Order provides that the City Council may censure an officer of the City to express its disapproval of the officer's conduct; and

WHEREAS, in *Houston Community College System v. Wilson*, 595 U.S. ____ (2022) (slip op.), the United States Supreme Court recognized the long settled and established practice of local elected bodies exercising the power to censure their officers; and

WHEREAS, the City's corporate authorities find that City Clerk Sasha Cohen abandoned his office by failing to perform his official duties as described in the above recitals; and

WHEREAS, the City's corporate authorities find that censuring City Clerk Sasha Cohen for his above-described conduct pertains to the City's government and affairs and is in the City's best interests for the protection of the public health, safety, and welfare; and

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

SECTION 1: The recitals to this resolution are adopted and incorporated herein as Section One to this resolution.

SECTION 2: The City's corporate authorities censure City Clerk Sasha Cohen for his abandonment, dereliction, and neglect of his official duties.

SECTION 3: This resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution 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 resolution is inconsistent with any non-preemptive state law, this resolution shall supersede state law in that regard within its jurisdiction.

SECTION 4: This resolution 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 9th day of January 2023 and approved by me as Mayor on the same day. Passed 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