

ORDINANCE 12-96 Passed: November 26, 2012

AMENDING CHAPTER 3, "CITY ADMINISTRATION," SECTION 3.43, "MANAGEMENT PAY PLAN" OF THE CITY CODE OF THE CITY OF DEKALB PERTAINING TO THE MANAGEMENT PAY PLAN, AMENDING SECTION 3.14 OF THE CITY CODE OF THE CITY OF DEKALB, ILLINOIS, PERTAINING TO THE CITY CLERK, AND AUTHORIZING CERTAIN COMPENSATION FOR THE ACTING CITY CLERK/EXECUTIVE ASSISTANT.

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

WHEREAS, the Corporate Authorities of the City find that the position of City Clerk is essential to the proper operation of the City and its various departments, and essential to the City's continuing adherence to the obligations and responsibilities of the Illinois Open Meetings Act, Freedom of Information Act, and similar statutes; and,

WHEREAS, the Corporate Authorities further find that the City Clerk, fulfills both those duties that are required by statute or ordinance of the officer filling the elected or appointed position of City Clerk, and also certain other administrative duties in addition to the elective/appointive duties, which administrative duties merit compensation in some form; and,

WHEREAS, the City continues to strive to find ways of providing City services to its residents in the most effective and efficient means possible; and,

WHEREAS, the City has had changes in staffing with employees of the City covered under Chapter 3 of the City Code, and seeks to staff its administrative offices in a more efficient fashion; and,

WHEREAS, the City Council has previously approved compensation for the City Clerk as an elected official of the City, and now seeks to update the City Code to reflect that prior action;

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows;

Section 1. SECTION 3.43 AMENDED.

Section 3.43 of the City Code shall be amended with the addition of the position of Executive Assistant as a Grade 4 pay plan Chapter 3 employee. Said position shall report to the City Manager.

Section 2. SECTION 3.14 AMENDED.

Section 3.14 of the City Code of Ordinances is amended as follows:

3.14 CITY CLERK.

a) Oath and Bond. The City Clerk 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 \$25,000 conditioned for the faithful performance of the duties of the office and the payment of all monies received by him/her according to law and the ordinances of the City. The bond shall be filed with the Director of Finance/City Treasurer.

b) Seal. It shall be the duty of the City Clerk to keep the corporate seal of the City, and affix the same to all papers requiring the corporate seal.

c) Council Records. The City Clerk shall attend all meetings of the Council and keep a full record of the Council proceedings in its journal. The Clerk shall also be responsible for keeping a full record of all closed sessions and/or closed meetings of the Council, in accordance with then-current Illinois law. Notwithstanding the foregoing, the City Clerk may be excluded from executive session where appropriate or required in accordance with Illinois law. In the absence of the Clerk and Deputy Clerk, the Council may appoint a recording secretary to assume said duties.

The Clerk shall record in a book to be kept for that purpose, all ordinances passed by the Council, and on each ordinance shall make a memorandum of the date of the passage and the publication of such ordinance.

d) Custodian of Documents. The City Clerk shall keep, file and safely preserve all ordinances passed by the Council, and shall have the charge, custody and control of all deeds, cases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given any other officer. The Clerk shall also be responsible for the recording, publication or distribution of any action of the City Council that requires such recording, publication or distribution.

e) Notice of Election. The City Clerk shall notify all persons elected or appointed to offices of the election or appointment within five days after the result of the election is declared, or appointment made; and generally do and perform such duties as may be required of him/her by the Council and the ordinances of the City.

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

g) Publication of Treasurer's Report. It shall be the duty of the City Clerk, at the end of each fiscal year, to cause to be published in such newspaper published in the City as may be selected by the Council, the City Treasurer's annual report.

h) Office Hours. The City Clerk shall keep his office in the Municipal Building open for the transaction of business of the City, except upon Saturdays, Sundays or legal holidays, during the same hours as other City administrative departments.

i) Deputy City Clerks. The City shall determine the staffing of the City Clerk's office. ***The City may hire one or more full or part time City employees whose duties may include working in the City Clerk's office.*** From the City personnel and staff who are authorized by the City Manager to work in the City Clerk's office, the Clerk shall ~~shall~~ ***may*** appoint one or more Deputy Clerks from time to time, who shall be responsible for the proper discharge of any duties undertaken by said Deputies to the same extent as if done by the City Clerk personally. Said appointment as Deputy Clerk may be made on a temporary or provisional basis, as needed, to fulfill the City Clerk's obligations when the City Clerk is unable to do so. ***All City personnel who are authorized to work in the City Clerk's office shall remain Chapter 3 employees of the City and shall remain under the supervision of the City Manager.***

With the approval of the City Manager or his designee, the City Clerk may appoint other *current* City personnel or staff, outside the City Clerk's office, to serve as Deputy City Clerks from time to time.

Provided that the City employs a person in the position of Executive Assistant, said person in the position of Executive Assistant shall be among the persons authorized to be appointed as a Deputy City Clerk. The City Clerk shall not be authorized to appoint as a Deputy Clerk any person who is not a then-current employee of the City. Any person appointed as a Deputy Clerk in accordance with the restrictions of this subparagraph (i) may fulfill any role of the Clerk.

j) The Deputy City Clerks may be removed ***from the position of appointed Deputy City Clerk*** by the City Clerk at any time, and for any reason with or without cause; ***said removal shall not cause the person in question to be terminated from employment by the City.*** The Deputy City Clerks may also be removed for cause at any time by a majority vote of the Mayor and Council voting jointly. The action of the Mayor and Council in removing a deputy shall be final. The appointment of a Deputy City Clerk shall expire at the completion of each term of office of the City Clerk unless otherwise terminated sooner under the provisions of this Section. Further, the appointment of any City personnel or staff as a Deputy City Clerk shall automatically terminate in the event that said appointee is terminated from employment within the City, or terminated from employment within the City Clerk's Office.

k) Salary. The City Clerk shall receive such salary and compensation as shall from time to time be fixed by ordinance. Fees may be collected as provided by State Statute and by ordinance and shall be deposited upon receipt into the City Treasury. The City Council shall review the salary for the City Clerk at the last regularly scheduled Council meeting in June, preceding a general municipal election.

l) The Deputy City Clerks shall be eligible for the same pay, merit and benefits as they would be entitled to in the absence of appointment as Deputy City Clerk; no person shall be entitled to further or additional compensation and benefits by virtue of appointment to serve as a Deputy City Clerk.

m) Benefits. ~~Provided that the City Clerk works as a full-time employee of the City, the City Clerk shall be entitled to benefits under the Management Benefits Plan described in Section 3.45 of this City Code, as amended from time to time.~~ ***The City Clerk shall not be entitled to any benefits or additional compensation other than the salary established by the City Council, other than utilization of any funding for training that the City Council shall expressly authorize.***

n) ~~Allocation of Compensation and Benefits. The City Council recognizes that the City Clerk, as a full-time employee of the City of DeKalb, fulfills certain duties which are prescribed by statute or ordinance as obligations of the elected or appointed City Clerk, and fulfills certain other duties which are administrative in nature, for the convenience of the City, and which are not duties required to be performed by the elected or appointed City Clerk. Accordingly, the salary of the City Clerk is allocated as compensation for the statute or ordinance-based duties of the elected or appointed City Clerk, and may only be varied in accordance with applicable Illinois law. All other benefits which the City Clerk receives under the Management Benefits Plan as contemplated in the preceding subsection (m), shall be allocated to the Clerk as compensation for the non-elective/appointive duties of the City Clerk, and shall be subject to change with any amendments to the Management Benefits Plan approved by the City from time to time.~~

Section 3. COMPENSATION OF ACTING CITY CLERK.

The City Council acknowledges that, due to the resignation of the former elected City Clerk, there is presently serving an appointed City Clerk. The currently appointed City Clerk is being compensated at a pay rate that has been previously approved by City Council, based upon her work and diligence in fulfilling the role of City Clerk, and based upon her performance of non-statutory duties in an administrative capacity for the City. With recent changes in staffing of Chapter 3 employees, the current Acting City Clerk, Diane Wright, has agreed to serve both in the capacity of Acting City Clerk and as Executive Assistant. Pursuant to City Code Section 3.43(k), the City Manager has the authority to adjust any employee's salary with up to a 10% increase when the employee assumes responsibilities of a higher position. Given the hybrid nature of Ms. Wright's current employment, the City Council takes this action to authorize or ratify her employment both as Acting City Clerk and as Executive Assistant, and authorizes or ratifies the payment of salary to her at her current salary level as Acting City Clerk, plus ten percent (10%) based upon her assumption of additional duties (and based upon the City's not having to employ another employee to fill one of the two positions). This ten percent pay adjustment shall be allocated to the performance of administrative duties not associated with the position of City Clerk. Upon the conclusion of Ms. Wright's term as Acting City Clerk, she will continue hold the position of Executive Assistant..

Section 4. GENERAL PROVISIONS.

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby temporarily suspended during the term that this Ordinance remains enforceable.

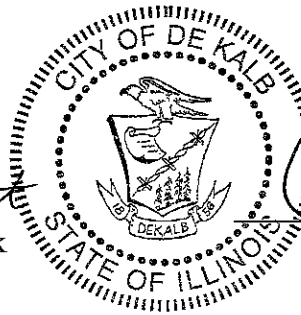
SEVERABILITY: Should any provision of this Resolution be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Resolution.


ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 26th day of November, 2012 and approved by me as Mayor on the same day. Second reading waived. Passed on roll call vote 7-0-1. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, O'Leary, Povlsen. Absent: Baker.

ATTEST:



DIANE WRIGHT, Deputy City Clerk





KRIS POVLSSEN, Mayor