

AMENDING THE MUNICIPAL CODE OF THE
CITY OF DEKALB, ILLINOIS, CHAPTER 2,
“CITY COUNCIL,” SECTION 2.02, RELATING
TO THE VOTING POWER OF THE MAYOR OF
THE CITY OF DEKALB.

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 have heretofore established a City of DeKalb City Code in compliance with applicable Illinois laws and regulations; and,

WHEREAS, the Corporate Authorities have previously established Section 2.02 of the City Code and, upon review of said provisions, have determined that they are no longer an accurate reflection of Illinois law; and,

WHEREAS, the Corporate Authorities have determined that the public health, welfare, safety and morals are protected by the amendment of Section 2.02 of the City Code as contemplated below;

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

Section 1. That the Municipal Code of the City of DeKalb, Chapter 2, Section 2.02 be amended as follows:

2.02 MAYOR, VOTING POWER.

~~a) The Mayor shall not vote on any ordinance, resolution or motion except as provided under Section 3-11-14 of the Illinois Municipal Code. For purposes of stating voting requirements in this Chapter only, the term “City Council or Council” shall mean the Aldermen and the term “Corporate Authorities” shall mean the Mayor and Aldermen.~~

a) Pursuant to 65 ILCS 5/5-3-5, the Mayor of the City of DeKalb shall vote on any ordinance, resolution or motion where: 1) the vote of the aldermen has resulted in a tie; 2) one-half of the aldermen then holding office have voted in favor of an ordinance, resolution or motion even though there is no tie vote; or, 3) where a vote greater than a majority of the corporate authorities is required by the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq., to adopt an ordinance, resolution or motion.

b) Pursuant to that same section, the Mayor may, but shall not be obligated to, vote on any other question coming before the City Council.

c) The Mayor may recuse himself from any action where such recusal is required or permitted by law.

d) 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.

Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: August 15, 2012. Effective date: August 25, 2012.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 13th day of August, 2012 and approved by me as Mayor on the same day. Second reading waived on August 13, 2012. Passed by roll call vote 7-0-1. Aye: Jacobson, Teresinski, Gallagher, Naylor, Baker, O'Leary, Povlsen. Absent: Lash.

ATTEST:



DIANE K. WRIGHT, City Clerk



KRIS POVLSSEN, Mayor

