

AMENDING CHAPTER 50 "CITIZENS' ENVIRONMENTAL COMMISSION" OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE TO REDUCE THE NUMBER OF REGULAR MEMBERS FROM EIGHT TO SIX.

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 adopting an amendment to Chapter 50 "Citizens' Environmental Commission" of the City's Municipal Code to reduce the number of members from eight to six as set forth in the attached and incorporated Exhibit A (the "Amendment") is in the City's best interests for the protection of the public health, safety, and welfare; and

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

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

SECTION 2: The City's corporate authorities adopt and approve the Amendment and amend Chapter 50 "Citizens' Environmental Commission", Section 50.01 "Establishment", and Section 50.02 "Membership", of the City's Municipal Code as set forth in the attached and incorporated Exhibit A.

SECTION 3: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that if this ordinance is inconsistent with any non-preemptive state law, this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: 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 26th day of August 2024 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Zasada, Larson, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Absent: Smith. Second Reading waived by a 7-0-1 roll call vote. Aye: Zasada, Larson, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Absent: Smith.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

CHAPTER 50
"CITIZENS' ENVIRONMENTAL COMMISSION"

CREATED: September 23, 1991 (Ordinance 1991-102)

LATEST REVISION: January 9, 2023 (Ord 2023-005)

SECTIONS:

50.01 ESTABLISHMENT.50.02

50.02 MEMBERSHIP.

50.03 COMMISSION OFFICERS.

50.04 DUTIES.

50.05 MEETINGS.

50.06 VOTING PRIVILEGES AND QUORUM.

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

50.08 CONTRACTS AND EXPENDITURES.

TABLE OF AMENDMENTS

50.01 ESTABLISHMENT.

There is hereby established a Citizens' Environmental Commission for the City of DeKalb. The Commission shall consist of ~~eight (8)~~six (6) 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.

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)~~Three (3) regular members' terms shall end in odd numbered years and the other ~~four (4)~~three (3) 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.

Training. Each member shall be required to complete the Open Meetings Act (OMA) electronic training no later than the 90th 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.

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b) Ex-Officio Members

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.

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.

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.

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

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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.

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.

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

50.06 VOTING PRIVILEGES AND QUORUM.

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.

50.08 CONTRACTS AND EXPENDITURES

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.

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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

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City of DeKalb.

TABLE OF AMENDMENTS

The following table provides for the amendments made to this Municipal Code Chapter since its original effective date of September 23, 1991 (Ordinance 1991-102).

| Effective Date | Ordinance No. | Description of Amendment |
|-----------------------|----------------------|--|
| 9/23/91 | 1991-102 | Amending the Municipal Code by Adding a New Chapter 50 "Citizen Environmental Commission". |
| 10/28/91 | 1991-108 | Amending Chapter 50 "Citizen Environmental Commission" by Deleting the Old Section 50.02 "Membership" and Adding a New Section 50.02 "Membership". |
| 11/25/91 | 1991-117 | Amending Chapter 50 "Citizen Environmental Commission, Section 50.02, "Membership." |
| 7/11/94 | 1994-099 | Amending Chapter 50 "Citizen Environmental Commission" (Deleting Old and Adding New). |
| 5/26/98 | 1998-073 | Amending Chapter 50 "Citizen Environmental Commission", Section 50.02 "Membership", by Changing the Members Term to Start July 1 and End June 30. |
| 10/12/98 | 1998-120 | Amending Chapter 50 "Citizen Environmental Commission" by Revising Membership Guidelines. |
| 12/13/04 | 2004-100 | Amending Chapter 50 "Citizen Environmental Commission", Section 50.01 "Establishment", and Section 50.02 "Membership" by Increasing the Membership to Eight (8) Members. |
| 7/25/16 | 2016-023 | Adopting Comprehensive Updates to Chapter 50 "Citizen Environmental Commission". |
| 6/25/18 | 2018-031 | Amending Chapter 50 "Citizens' Environmental Commission (Text Amendments to Sections 50.01 "Establishment", 50.02 "Membership", 50.03 "Commission Officers", 50.04 "Duties", 50.07 P.R.I.D.E. Awards; Amendment to Section 50.05 "Meetings" and Adding Section 50.08 "Contracts and Expenditures". |
| 1/9/2023 | 2023-005 | Amending Various Chapters of the Municipal Code as it Pertains to Boards, Commissions, and Committees, Open Meetings Act Training, Public Participation, Removal of a Member, and Term Limits. (Chapter 50 included in this amendment) |