

ORDINANCE 14-02 Passed: January 13, 2014

**AMENDING THE MUNICIPAL CODE OF THE
CITY OF DEKALB, ILLINOIS CHAPTER 3,
“CITY ADMINISTRATION,” VARIOUS
SECTIONS.**

BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

WHEREAS, the City of DeKalb is an Illinois Home Rule Municipality located in DeKalb County, Illinois and pursuant to its Home Rule authority and the applicable provisions of the Illinois Municipal Code utilizes a City Manager form of government and regulates the conduct of the City’s Administration through the provisions of Chapter 3 of the City Code, among other regulations; and,

WHEREAS, the City Council has determined that certain updates to Chapter 3 are merited by virtue of changes in the City’s organization and workflow; and,

WHEREAS, the City of DeKalb determines and finds that the ordinance updates as reflected below are necessary and proper, are in the public interest, and protect the public health, welfare, safety and morals;

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of DeKalb as follows below:

Section 1. Chapter 3 Amended

Chapter 3, Section 3.07 shall be amended as follows:

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.

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

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.

c) Bond. The City Manager shall execute a bond in the amount of \$5,000 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.

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.

Section 3.15 shall be amended as follows:

3.15 PLANNING AND ECONOMIC DEVELOPMENT.

a) Planning and Economic Development within the City of DeKalb shall be under the direction and supervision of the Director of Public Works. The City shall employ a Principal Planner who shall have duties as outlined below. The duties of other City employees under the supervision of the Director of Public Works who have responsibilities relating to Planning and Economic Development shall be as assigned by the Director of Public Works from time to time.

b) Principal Planner: The Principal Planner shall devote his/her entire time to the duties of the City at all reasonable hours and in particular shall:

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 or Director of Public Works.
7. Whenever, throughout this Municipal Code, the title of Chief Planning Official or City Planner is used, such title shall mean the Principal Planner.

Section 3.17 shall be amended as follows:

3.17 CITY ATTORNEY

a) 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.

Section 3.40 shall be amended as follows:

3.40 COMPENSATION.

a) All appointed officers of the City of DeKalb (other than the City Manager) shall have their compensation fixed in the annual budget ordinance and for all purposes whenever any provision of the Code requires compensation to be fixed by ordinance for an appointed officer, it shall be so fixed in the annual budget ordinance. The compensation established in the annual budget ordinance shall be for a period commencing with the fiscal year for which the ordinance is passed and ending with said fiscal year. The foregoing requirement shall apply to:

1. Officers originally appointed during the fiscal year to an existing office or a newly created office after the adoption of the annual budget ordinance for that year, or,
2. Probationary officers whose performance and compensation is reviewable during the fiscal year after the adoption of the annual budget ordinance for that year.

New or probationary officers as described above shall have their compensation fixed by separate ordinance or by amendment to the annual budget ordinance. The annual budget ordinance may also be amended to provide for other changes to compensation during the fiscal year.

b) 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.

Section 3.42 shall be amended as follows:

3.42 COMPENSATION CHANGES.

a) Elected officials and members of appointive boards and commissions shall receive such changes in compensation as may be provided for by ordinance.

b) Management employees other than the City Manager shall receive changes in compensation pursuant to Sections 3.41, 3.42 and 3.43 of this Chapter or as may otherwise be provided by ordinance. Compensation of the City Manager shall be as established by employment agreement.

c) Employees who are members of collective bargaining units or whose positions are otherwise covered by collective bargaining agreements with the City shall receive such changes in

compensation as may be provided for in such collective bargaining agreements or as may otherwise be provided by ordinance.

d) All other employees, except employees of the DeKalb Public Library, shall receive such changes in compensation as authorized by the City Council pursuant to the City of DeKalb Part-time Employee Program, the City of DeKalb Temporary Employee Program and other relevant programs approved by the City Council.

Section 3.43 shall be amended as follows:

3.43 MANAGEMENT PAY PLAN.

a) The following positions, with grade classifications, for purposes of this Section 3.43, are established:

Grade	Position
Grade 1	
Grade 2	Deputy City Clerk Administrative Associate
Grade 3	Executive Secretary Legal Assistant – Liability Legal Assistant – Corporate Neighborhood Program Specialist/CDBG Coordinator Administrative Assistant
Grade 4	Management Analyst/Human Resources Coordinator Transportation Planner Executive Assistant
Grade 5	Plans Examiner Community Services Planner Economic Development Coordinator
Grade 6	City Planner Chief Building Inspector Chief Property Maintenance Inspector Deputy Information & Technology Director
Grade 7	Assistant Finance Director Assistant Public Works Director – Airport/Airport Manager Human Resources Director Accounting Services Manager Communication Coordinator Project Implementation Engineer Principal Planner
Grade 8	Operations/Maintenance Section Manager Assistant Public Works Director – Operations/Maintenance Assistant Public Works Director – Utilities Information & Technology Director Police Lieutenant Economic Development and Policy Administrator Finance/Purchasing Director
Grade 9	Assistant City Manager Assistant Public Works Director – Building/Engineering/

	Transportation
	Planning & Economic Development Director
	Assistant Fire Chief
	Police Commander
Grade 9.5	Deputy Fire Chief
	Deputy Police Chief
Grade 10	Director of Public Works
	Fire Chief
	Police Chief
Grade 11	

b) The City Manager at any time may recommend to the City Council the addition or removal of positions from classification as management positions.

c) The City Manager shall be responsible for maintaining an official copy of the Management Pay Plan, which shall include titles, job descriptions, and rules of administration and policy, and for incorporating the Management Pay Plan into the Management Policy Manual.

d) The schedule of salaries as adopted from time to time by the Mayor and City Council shall consist of an increasing step (1 through 12) rate of pay for each management position. These salaries are based on the job content, its value within the organization and comparative salary data from other communities.

e) The Management Pay Plan provides a salary schedule as annually adopted by the City Council and shall be kept on file in the City Clerk's office. That, pursuant to Section 3.43(e) and other related sections of City Code, the City hereby adopts a new Management Pay Plan, in the form attached hereto as Exhibit "A," and a new Part Time Pay Plan, in the form attached hereto as Exhibit "B."

f) The City Manager shall recommend to the City Council the appropriate salary grades for newly created or revised positions.

g) The City Manager shall determine at which step in the appropriate grade to place new employees upon hire or entry into the step pay plan.

h) The City Council shall review and evaluate this management pay plan every year. The City Manager shall recommend to the City Council the appropriate cost-of-living increase prior to the start of each fiscal year. The step pay plan schedule shall be adjusted to reflect the cost-of-living increase as may be granted by the City Council.

i) Progression within an employee's respective pay grade shall be based upon a two segment pay increase program consisting of 1) excellence of performance (merit increase) and 2) an across-the-board cost of living increase. The annual Performance Evaluation report shall be the determining factor in deciding whether the employee will receive a merit increase. It is in the discretion of the City Manager to decide whether an employee will receive a merit increase each year. If the City Manager has determined that an employee will receive a merit increase, it will be awarded on the employee's appointment anniversary date to his/her current position. The City Council shall annually consider the cost of living adjustment for management employees; said cost

of living adjustment shall be applied uniformly to all management positions. The across-the-board cost of living adjustment shall be made as part of the annual budget process, shall be awarded to management employees on July 1 of each year, and shall be calculated using an average of the following indices for the year in question:

- (1) Social Security Increase,
- (2) Chicago-Gary-Kenosha SMSA CPI,
- (3) Midwest Urban CPI,
- (4) U. S. City CPI,
- (5) Current Fiscal Year Comparable Communities' Average COLA Increases,
and
- (6) Current Fiscal Year Local Comparable Communities' Average COLA Increases.

j) Employee movement within a salary grade established for positions shall be by performance only, as set forth in Section 3.44, except that the City Manager shall have authority to adjust a salary within the terms of an employee's letter of hire.

k) The City Manager may adjust an employee's salary with up to a 10% increase when that employee assumes responsibilities of a higher position.

l) The compensation of the City Manager shall be as established by applicable employment agreement.

Section 3.44 shall be amended as follows:

3.44 MANAGEMENT MERIT PAY PROGRAM:

a) For the purpose of this Section 3.44, the positions established in Section 3.43 are established.

b) The City Manager at any time may recommend to the City Council the addition or removal of positions from classification as management positions for purposes of this Section.

c) The City Manager shall be authorized to establish and maintain rules, regulations, procedures, criteria, forms and other administrative matters relative to the administration of this Section. Said rules, regulations, procedures, criteria, forms and other administrative matters shall be made available to all employees covered by this Section.

d) The Management Merit Pay Program provides for the movement by employees, based upon annual performance, within a salary grade for management positions established in the management pay plan, Section 3.43, and for the provision of lump sum performance bonuses not incorporated into the base salary of employees. Based upon performance and comparable salary data, employees may be awarded merit increases or merit bonuses.

e) Merit performance increases or merit bonuses are based upon the annual performance for management employees during the twelve (12) months preceding the employee's appointment anniversary date. Merit performance increases and merit performance bonuses for all positions

covered by this Section shall be determined by the City Manager. The City Manager shall present to the City Council an annual request for sufficient funding to implement merit increases and merit performance bonuses. City Manager merit increases or bonuses shall be determined by the City Council.

f) Based upon the determinations of the City Manager and the approval of funds by the City Council, employees covered by this section may be awarded merit increases in accordance with the step pay plan set forth in Section 3.43. An employee is not automatically entitled to a merit increase. Whether an employee receives a merit increase will be dependent upon employee performance for that fiscal year. If an employee receives a merit increase, he/she may be moved to the next step in his/her grade in the pay plan at the discretion of the City Manager. Employees who are at Step 12 in the plan are no longer eligible for a merit increase as part of their base salary, but may receive a lump sum merit increase in the amount of 2.0%, which will not be incorporated into the employee's base salary, based upon the employee's performance.

g) Salary adjustments for the City Manager shall be as contemplated by the applicable employment agreement.

The subsections of Section 3.45 referenced below shall be amended as follows; all other subsections of Section 3.45 shall remain unchanged.

3.45 MANAGEMENT BENEFITS PLAN.

a) Covered Positions. For the purpose of this Section 3.45, the positions established in Section 3.43 are established.

b) Changes to Covered Positions. The City Manager at any time may recommend to the City Council the addition or removal of positions from classification as management positions for purposes of this Section.

c) City Manager. In addition to the salary and benefit plans established herein, the City Manager shall receive any other benefits as may be authorized in an employment agreement (and shall not be eligible for any benefits specifically precluded by an employment agreement or by this Chapter 3).

Subsections d) through p) shall remain unamended.

q) Compensatory Time and Compensatory Paid Leave.

1. Employees covered by Chapter 3 of the DeKalb Municipal Code shall not be entitled to overtime payment for hours worked in excess of their regularly scheduled work period. For these hours, the following compensatory time and compensatory paid leave regulations shall be in effect. Notwithstanding the foregoing, the City Manager shall not be subject to the provisions of this subsection (q), and shall not be eligible for Compensatory Time.

2. All management employees other than the City Manager shall maintain and submit accurate records of all hours worked beyond an employee's regularly scheduled work

week on the employee's time sheet. These hours shall be listed as compensatory time and shall be submitted to the Finance Division where an accurate accounting of such hours used and accumulated shall be maintained.

Subsections q)(3) to end shall remain unamended.

Section 3.46 shall be amended as follows.

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.

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.

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):

- Deputy Fire Chief
- Assistant Fire Chief
- Deputy Chief of Police
- Police Commander
- Police Lieutenant
- Communications Coordinator
- Information & Technology Director
- Assistant Director of Public Works
- Chief Building Inspector
- Chief Property Maintenance Inspector
- Operations/Maintenance Section Manager

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.

e) If appropriate, new positions will be identified as an emergency response positions at the time of creation.

f) Employees in the positions of police chief and fire chief hired after 2-1-11 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.

g) Residency requirements for City Manager shall be as required by the applicable employment agreement.

Section 2. That each section, paragraph, sentence, clause and provision of this ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance, nor any part thereof, other than that part affected by such decision.


Section 3. That except as to the amendments heretofore mentioned, all Sections of the Municipal Code of the City of DeKalb, Illinois shall remain in full force and effect.

Section 4. Upon its passage and approval according to law, this Ordinance shall, by authority of the City Council be published in pamphlet form. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: January 14, 2014. Effective date: January 24, 2014.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 13th day of January, 2014 and approved by me as Mayor on the same day. Second reading waived and passed on roll call vote 6-0-2. Aye: Jacobson, Finucane, Lash, Snow, O'Leary, Rey. Absent: Naylor, Baker.

ATTEST:


ELIZABETH E. PEERBOOM, City Clerk


JOHN A. REY, Mayor

