

**AMENDING THE MUNICIPAL CODE OF THE
CITY OF DEKALB, ILLINOIS, CHAPTER 54,
“FINANCIAL ADMINISTRATION.”**

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 City of DeKalb currently maintains Chapter 54 of the City Code, which relates to the Finances of the City of DeKalb; and,

WHEREAS, the City Council finds that certain updates to Chapter 54 are required to properly promote the public health, safety, welfare and morals; and,

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

Section 1. Ordinances Amended.

Chapter 54 shall be amended in the form attached hereto as Exhibit A.

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 All ordinances or portions thereof in conflict with this ordinance are hereby repealed.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 after passage and publication pursuant to law. Publication date: July 29, 2014. Effective date: August 7, 2014.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 28th day of July, 2014 on the Consent Agenda by Omnibus Roll Call Vote of 8-0. Aye: Jacobson, Finucane, Lash, Snow, Naylor, Baker, O’Leary, Rey and approved by me as Mayor on the same day.

ATTEST:



ELIZABETH E. PEERBOOM, City Clerk





JOHN REY, Mayor

Chapter 54

FINANCIAL ADMINISTRATION

Latest Revision: 05-10-10 (09-71, 10-12, 10-16,)

Sections:

- 54.01 FINANCE ~~DIVISION~~DEPARTMENT
- 54.02 COMPTROLLER/TREASURER~~FINANCE DIRECTOR~~
- 54.03 DUTIES OF THE COMPTROLLER/TREASURER~~FINANCE DIRECTOR~~
- 54.04 BUDGET OFFICER
- 54.05 CITY COMPTROLLER/TREASURER~~—~~
- ~~54.06~~ ADDITIONAL REQUIREMENTS
- ~~54.067~~ MUNICIPAL AND FISCAL YEAR
- 54.078 ANNUAL BUDGET
- 54.078 FINANCIAL PLAN
- 54.089 FINANCIAL POLICIES
- 54.0910 DEPOSIT OF CITY FUNDS
- 54.101 INVESTMENT OF CITY FUNDS
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- 54.123 ANNUAL AUDIT
- 54.134 RESPONSIBLE BIDDER; LOCAL PREFERENCE (10-16)
- 54.145 PURCHASING AND LETTING OF CONTRACTS
- 54.156 DISPOSITION OF PERSONAL PROPERTY
- 54.167 FINANCE ADVISORY COMMITTEE (10-12)

54.01 FINANCE ~~DIVISION~~DEPARTMENT

There is hereby established a Finance ~~Division~~Department of the City of DeKalb which shall consist of the Comptroller/Treasurer~~Finance Director~~ and other positions as may be authorized by the City Council. The Finance ~~Division~~Department shall be organized and supervised as determined by the City Manager.

54.02 COMPTROLLER/TREASURER~~FINANCE DIRECTOR~~

a) There is hereby created the position of ~~Comptroller/Treasurer~~Finance Director who shall be appointed and removed at the discretion of the City Manager. The ~~Comptroller/Treasurer~~Finance Director shall have responsibility and supervision over all employees assigned to the Finance ~~Division~~Department subject to the overall authority of the City Manager. The ~~Comptroller/Treasurer~~Finance Director may designate others within this ~~division~~department to exercise powers and perform functions in this Chapter.

b) In the event of a vacancy in the position of Finance Director, whether by virtue of the resignation, illness or other unavailability of the Finance Director, the City Manager may appoint one or more persons to serve as Acting Finance Director or may otherwise delegate the authority of the Finance Director as he/she sees fit.

c) The Finance Director shall execute a bond in the amount of \$100,000 conditional upon the faithful performance of his/her duties, with a surety company as surety thereon. Said bond shall be approved by the

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City Manager and filed with the City Clerk and the cost thereof shall be borne by the City.

d) The Finance Director shall not have an interest directly or indirectly in any contract, work or business for or with the City, or in the sale of any article to the City, or in the purchase of any property belonging to the City.

e) The Finance Director shall keep all monies belonging to the City separate and distinct from his/her own monies, and is prohibited from using, either directly or indirectly, the City money in his/her custody, or any interest collected thereon, for his/her own use and benefit or for that of any other person, and shall ensure that these same prohibitions and requirements apply to all other employees of the Finance ~~Division~~Department.

54.03 DUTIES OF THE ~~COMPTROLLER/TREASURER~~FINANCE DIRECTOR

The ~~Comptroller/Treasurer~~Finance Director shall devote his/her entire time to the duties of the City at all reasonable hours and in particular shall:

a) ~~Exercise~~ and perform all the financial powers and duties of the City Treasurer, Collector or Comptroller -pursuant to ordinance or the Illinois Compiled Statutes.;

b) ~~exercise~~Exercise and perform all financial powers and duties now or hereafter granted or assigned by ordinance, Illinois Compiled Statutes or by the City Manager.;

c) ~~maintain~~Maintain custody of monies belonging to the City of DeKalb and ensure that all funds of the City are properly deposited or invested in accordance with deposit and investment policies set forth in this Chapter.;

d) ~~maintain~~Maintain the City of DeKalb's financial records in accordance with City ordinances, State or federal regulations, generally accepted municipal financial management and accounting principles and practices and as otherwise directed or authorized by the City Manager.;

e) ~~pay~~Pay all warrants, bills or orders properly presented to the Finance ~~Division~~Department in a reasonable and timely manner with checks drawn upon the proper funds signed by the Mayor and countersigned by the ~~Comptroller/Treasurer~~Finance Director.

f) ~~ensure~~Ensure the proper, efficient, and effective receipt and disbursement of all City funds, maintain proper, efficient, and effective systems for accounts receivable, accounts payable, payroll, financial reporting, internal financial, administrative and accounting controls, and financial records, and otherwise maintain the City of DeKalb's financial systems and perform such activities as necessary and as required by State or Federal law or regulation, ordinance or as directed by the City Manager.

g) ~~prepare~~Prepare and submit all financial reports as required by this Chapter, as additionally deemed necessary ~~by the Comptroller/Treasurer~~, and as otherwise directed by the City Manager.

h) Serve as purchasing officer for the City of DeKalb and maintain and update policies relating to the bid, purchase or acquisition of goods and services.

i) Make such recommendations to the City Council and City Manager as he/she shall deem appropriate to ensure compliance with applicable laws or regulations, City policies or ordinances or best financial or management practices.

j) Exercise control and management, and direct, supervise, and coordinate all activities of all personnel, contractors and other persons within the Finance Department or otherwise under his/her direction, subject to the authority of the City Manager.

k) Perform such other duties and prepare such other reports or recommendations as may be directed by the City Manager.

l) Keep the City Manager and City Attorney apprised at all times of any actual or potential financial irregularity.

k) Serve as signatory and account representative for the City on financial, investment, retirement fund or other similar accounts maintained or established by the City, as may be directed by the City Manager.

54.04 BUDGET OFFICER

The ~~City Manager~~Finance Director is hereby designated to serve as Budget Officer and is authorized to empower or delegate to other city officials all or part of the authority and responsibilities of Budget Officer. The Budget Officer or designee shall have the power and duties as set forth in the Illinois Compiled Statutes as may be amended, including the following powers and duties:

a) Permit, encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all city departments, boards, commissions and funds;

b) Compile an annual budget in accordance with Section 54.06~~7~~ of this chapter;

c) Examine all books and records of all city departments, boards, commissions or funds which relate to monies received by the City and paid out by the City, debts and accounts receivable, and amounts owed by or to the City;

d) Obtain such additional information from City departments, boards, commissions and funds as may be useful to the Budget Officer for purposes of compiling an annual budget, such information to be furnished in the form required by the Budget Officer. Any department, board or commission which refuses to make such information available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget until it shall comply in full with the request of the Budget Officer; and

e) Establish and maintain such procedures as shall insure that no expenditures are made by the City and its departments, boards, commissions and funds except as authorized by the budget;

f) Issue a report showing year-to-date revenues and expenditures for the General Fund by the second regular City Council meeting of each month.

g) In conjunction with and approval of the City Manager, issue by September 30th of each year an unaudited report showing the state of the City Budget as of the close of the previous fiscal year.

~~**54.05 CITY COMPTROLLER/TREASURER—ADDITIONAL REQUIREMENTS**~~

~~a) The City Comptroller/Treasurer shall execute a bond in the amount of \$100,000 conditional upon the faithful performance of his/her duties, with a surety company as surety thereon. Said bond shall be approved by the City Council and filed with the City Clerk and the cost thereof shall be borne by the City.~~

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~~b) The City Comptroller/Treasurer shall not have an interest directly or indirectly in any contract, work or business for or with the City, or in the sale of any article to the City, or in the purchase of any property belonging to the City.~~

~~e) The City Comptroller/Treasurer shall keep all monies belonging to the City separate and distinct from his/her own monies, and is prohibited from using, either directly or indirectly, the City money in his/her custody, or any interest collected thereon, for his/her own use and benefit or for that of any other person, and shall ensure that these same prohibitions and requirements apply to all other employees of the Finance Division.~~

~~d) The City Comptroller/Treasurer shall keep the City Manager and City Attorney apprised at all times of any actual or potential financial irregularity.~~

~~The Finance Division shall be organized as determined by the City Manager and supervised directly by the Assistant City Manager.~~

54.06-05 MUNICIPAL AND FISCAL YEAR

The municipal and fiscal year of the City of DeKalb shall commence the first day of July of each year and end on the last day of the next succeeding June, including both days. This section shall not affect the beginning or ending terms of any licenses or permits issued by the City of DeKalb unless expressly so provided in chapters dealing therewith.

54.07-06 ANNUAL BUDGET

The City's annual budget for each fiscal year beginning upon each July 1, shall be compiled and acted upon pursuant to the requirements and procedures as set forth in the Illinois Compiled Statutes, Chapter 65, Paragraphs 5/8-2-9.1 through 5/8-2-9.10, which are hereby adopted. These statutory provisions, and the use of the authority granted therein, are generally set forth as follows:

a) The Budget Officer shall compile an annual budget containing estimates of revenues available to the City for the fiscal year for which the budget is drafted, together with recommended expenditures for the City and its departments, boards, commissions and funds. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices. The budget shall contain actual or estimated revenues and expenditures for the two years immediately preceding the fiscal year for which the budget is prepared. The budget shall show the specific fund from which each anticipated expenditure shall be made.

b) Passage of the annual budget by the City Council shall be in lieu of passage of an appropriations ordinance. The annual budget need not be published except in a manner provided for in paragraph (f) below. The annual budget shall be adopted by the City Council before the beginning of the fiscal year to which it applies.

c) In the preparation by the budget officer of the annual budget, an amount ~~not to exceed 3% of the equalized assessed valuation of property subject to taxation by the City as established by the City Council from time to time~~ may be accumulated in a separate fund for the purpose or purposes of specific capital improvements, repairs, and/or replacement of specific types of municipal equipment or other tangible property, both real and personal, to be designated as the "Capital Projects Fund". Expenditure from this fund shall be budgeted in the fiscal year in which the capital improvement, repair or replacement will occur.

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d) The City Council authorizes the City Manager and his/her designees to modify the budget by deleting, adding to, changing or creating new line items to the approved budget, except that such revisions must be made in conformance with policies and procedures as established by the City Manager and no such revisions may exceed 10% of an expenditure account category, whichever is less without the approval of two-thirds vote of the corporate authorities then holding office. The City may otherwise revise the approved annual budget by a vote of two-thirds of the members of the corporate authorities then holding office. No revision of the budget shall be made increasing the total budget in the event funds are not available to effectuate the purpose of the revision.

e) The annual budget may contain money set aside for contingency purposes ~~not to exceed 10% of the total budget, less the amount set aside for contingency purposes,~~ which monies may be expended for contingencies upon a majority vote of the corporate authorities then holding office.

f) The City Council shall make the tentative annual budget conveniently available to public inspection for at least ten days prior to the passage of the annual budget, by publication in the journal of the proceedings of the City Council or in other such form as the City Council may prescribe. Not less than one week after the publication of the tentative annual budget, and prior to final action on the budget, the City Council shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings the tentative budget may be further revised and passed without further inspection, notice or hearing. Notice of this hearing shall be given by publication in a newspaper having a general circulation in the municipality at least one week prior to the time of the hearing.

~~g) The City may abandon its adoption of the Illinois Compiled Statutes, Chapter 65, Paragraphs 5/8-2-9.1 through 5/8-2-9.10 by a two-thirds vote of the corporate authorities then holding office.~~

54.078 FINANCIAL PLAN

The City Manager or his/her designee shall be responsible for the preparation and maintenance of the City of DeKalb Financial Plan. A Financial Plan shall be annually adopted by the City Council no later than March 1 and shall cover a period of time not less than three years nor more than five years inclusive of the fiscal year to begin on July 1. Said Financial Plan shall forecast revenues and expenditures for the planning period and shall contain sections including, but not limited to, goals, revenues, operating expenditures, capital improvements, assumptions, unfunded needs and recommendations. (95-145)

54.089 FINANCIAL POLICIES

The City Council shall annually review and adopt by December 31 of each year a statement of City of DeKalb Financial Policies. Said financial policies shall set forth goals, objectives or policies for areas including, but not limited to, revenues, expenditures, reserves, debt and financial management. The Finance Director, under the supervision of the City Manager, shall be responsible for submitting recommended policies or revisions thereto, maintaining compliance by the City Administration with said policies and submitting proposed annual budgets and financial plans in conformance with the policies.

54.10-09 DEPOSIT OF CITY FUNDS

The ~~Comptroller/Treasurer~~ Finance Director shall retain at least one financial institution in the City of DeKalb corporate limits to act as a qualified depository of public funds in compliance with State statute. The institution must maintain its main office or a branch office within the City of DeKalb corporate limits. If the headquarters of the institution is not located within the City limits, the branch office must be able to offer the

full range of banking services required by the City. Nothing herein shall be construed as requiring the deposit of all City funds in a bank or financial institution located within the City. The [Comptroller/Treasurer/Finance Director](#) shall establish written procedures for reviewing the effective deposit of City funds in regards to safety, convenience, services, costs, and other pertinent factors.

54.101 INVESTMENT OF CITY FUNDS

The [City Comptroller/Treasurer/Finance Director](#) shall invest the money belonging to the City of DeKalb in accordance with an Investment Policy adopted by the City Council. By the second regular City Council meeting of each month, the [Finance Director/Comptroller/Treasurer](#) shall issue a report showing bank balances and investments as of the end of the prior month.

54.112 PROPERTY TAX LEVY ORDINANCE

The City Council shall annually, on or before the second Tuesday in December in each year, adopt an ordinance levying property taxes for that year in compliance with all applicable State laws and regulations. A certified copy of such ordinance shall be filed with the County Clerk of DeKalb County on or before the last Tuesday in December in each year, and said taxes shall be collected in the manner provided for by the laws of the State of Illinois.

54.123 ANNUAL AUDIT

At the close of each fiscal year, an independent audit of all City of DeKalb accounts shall be conducted independently of the City Manager and [Finance Director/Comptroller/Treasurer](#). Such audit shall be made by Certified Public Accountants, selected by the City Council, licensed by the State of Illinois, and fully experienced in municipal accounting. Said audit shall be completed in all respects and submitted to the City Council by January 31 of each year unless an extension to that date is approved by the City Council. Copies of said audit shall be made available for public inspection and filed with the County Clerk. Any audit findings shall be reported by the auditor to the City Council, and the City Manager and [Comptroller/Treasurer/s/Finance Director](#) shall be responsible for any and all corrective actions and the reporting of same to the City Council.

54.134 RESPONSIBLE BIDDER; LOCAL PREFERENCE (10-16)

a) Unless otherwise permitted under the provisions of Chapter 54 of this Code, the City will award contracts in an amount exceeding \$20,000 for construction on City property, to a responsible bidder, as defined herein. (10-16)

1. Responsible Bidder. “Responsible bidder for contracts for construction on City property” shall mean a bidder on a proposed contract in an amount exceeding \$20,000 for the demolition, removal, erection, construction and/or repair of infrastructure or structure located under, within or upon property owned by the City of DeKalb, which bidder meets all of the job specifications for that contract and the following applicable criteria: (10-16)

(a) Is in conformance with all applicable laws which are a prerequisite to doing business within the State of Illinois;

(b) Provides evidence of its Employer Tax Identification Number (FEIN) or, for individuals, his/her Social Security Number;

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~~(c) Complies with the then-current requirements of the City's bid requirements, bidder certifications and contractual forms (whether or not appended to the actual bid documents; copies of such documents are available upon request and may be updated from time to time by the City Attorney without further notice); Provides evidence of compliance with the provisions of Section 2000(e) of Chapter 21, Title 42 of the United States Code and federal Executive Order Number 11246, as amended by Executive Order Number 11375, known as the Equal Opportunity Employer provisions;~~

~~(d) Is in compliance with all provisions of the Illinois Prevailing Wage Act, as may be amended from time to time, including wages, medical and hospitalization insurance and retirement benefits for those trades covered in the Act, and shall turn in all certified payrolls as required by the Act;~~

~~(e) Certifies that it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois or City of DeKalb, nor has the bidder made an admission of guilt of such conduct which is a matter of record, nor has an official, agent or employee of the bidder committed bribery or attempted bribery on behalf of the bidder and pursuant to the direction or authorization of a responsible official of the bidder;~~

~~(f) Certifies that it is not barred from bidding on the contract as a result of a conviction for the violation of State law prohibiting bid rigging or bid rotating;~~

~~(g) Certifies that it shall agree to abide by the terms and conditions of the City of DeKalb's Drug Free Workplace Policy during the life of the contract;~~

~~(h) Certifies that it does not discriminate on the basis of race, creed, color, sex, religion, age, national origin, or ancestry, physical or mental handicap, marital status, or matriculation in its employment practices.~~

~~(i) Certifies that it is in compliance with and/or shall conform to the sexual harassment policy set forth in 5 ILC, 5/2-105 (A) (4) regarding sexual harassment:~~

~~"Every party to a public contract and every eligible bidder shall have a written sexual harassment policy that shall include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the vendor's internal complaint process including penalties; (v) the legal recourse, investigate and complaint process available through the Illinois Department of Human Rights and the Illinois Human Rights Commission; (vi) directions on how to contact the Illinois Human Rights Commission; and (vii) protection against retaliation as provided by Section 6-101 of this Act. A copy of the policies shall be provided to the Department upon request."~~

~~(j) Provides certificates of insurance for the insurance coverage set forth in the specifications for the contract, naming the City as an additional insured; and~~

(k) Is not a debtor to the City of DeKalb. For purposes of this subparagraph, a debtor is defined as having outstanding fees, water bills, sales tax or restaurant/bar tax payments that are 30 days or more past due, or has outstanding weed or nuisance abatements or liens, failure to comply tickets or parking tickets that are not in dispute as to their validity and are not being challenged in court or other administrative process.

~~(l) For those projects involving street improvements, including but not limited to: alleys, pavement and curb work, traffic signal installation or sidewalks, each bidder shall be prequalified~~

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~~with the Illinois Department of Transportation and shall satisfy the City as to its ability, financial and otherwise, to carry out and successfully complete the work.~~

~~(m)(1)~~ For those projects involving demolitions, water tower painting or the purchase of electrical items to be installed, each bidder shall have a minimum of five (5) years of experience with similar work and shall satisfy the City as to its ability, financial or otherwise, to carry out and successfully complete the work.

2. The bidder shall provide evidence to the City of compliance with all of the requirements of Section 54.14a), in accordance with the bid specifications, the contract and/or the applicable ordinance, law, regulation, or statute. (10-16)

3. Exempted from the provisions of this section on responsible bidders are any contracts funded in full or in part with state and/or federal monies. Such contracts shall be controlled by the applicable state and/or federal specifications and requirements. (10-16)

b) It shall be the policy of the City of DeKalb to procure goods and services from qualified local bidders to the greatest extent possible.

1. In order to be considered a qualified local bidder, Tier One, a business must meet each of the following criteria: (10-16)

(a) Located within the City of DeKalb. (94-170) (10-16)

(b) Employs year round staff located at the business within the City. (94-170) (10-16)

(c) Is not a debtor to the City of DeKalb as defined by 54.18(f) of the DeKalb Municipal Code. (10-16)

(d) Does not have any outstanding cited code violations.

(e) Is not receiving any incentives or subsidies from the City.

(f) Has adequately qualified/trained staff to service the bid item.

2) In order to be considered a qualified local bidder, Tier Two, a business must meet each of the following criteria: (10-16)

(a) Located within DeKalb County.

(b) Employs year round staff located at the business within the County.

(c) Is not a debtor to the City of DeKalb as defined by 54.18(f) of the DeKalb Municipal Code.

(d) Does not have any outstanding cited code violations.

(e) Is not receiving any incentives or subsidies from the City.

(f) Has adequately qualified/trained staff to service the bid item.

3) If the lowest responsible bidder is not a qualified local bidder, Tier One, and if a qualified local bidder, Tier One, has submitted a bid which is within 5% of the lowest responsible bidder for an item or bid; the qualified local bidder, Tier One, shall be given written notice by the City of DeKalb to that effect and shall, within 10 days from the date of such notice, provide written confirmation to the City that it will match the bid price of the lowest responsible bidder. Should a qualified local bidder, Tier One, fail to provide such confirmation within the time allowed its bid shall be considered as originally submitted. (10-16)

4) When more than one qualified local bidder, Tier One, is within 5% of the lowest responsible bidder, only the qualified local bidder, Tier One, submitting the lowest local bid, shall be given the opportunity to match the bid of the lowest responsible bidder. It shall, where the bid is an aggregate of separate price components, reduce the price of each sub-component of its aggregate bid by the same percentage that was used to match the bid of the lowest responsible bidder. (10-16)

5) If the lowest responsible bidder is not a qualified local bidder, Tier One, and if a qualified local bidder, Tier Two, has submitted a bid which is within 5% of the lowest responsible bidder for an item or bid; the qualified local bidder, Tier Two, shall be given written notice by the City of DeKalb to that effect and shall, within 10 days from the date of such notice, provide written confirmation to the City that it will match the bid price of the lowest responsible bidder. Should a qualified local bidder, Tier Two, fail to provide such confirmation within the time allowed its bid shall be considered as originally submitted. (10-16)

6) When more than one qualified local bidder, Tier Two, is within 5% of the lowest responsible bidder, only the qualified local bidder, Tier Two, submitting the lowest local bid, shall be given the opportunity to match the bid of the lowest responsible bidder. It shall, where the bid is an aggregate of separate price components, reduce the price of each sub-component of its aggregate bid by the same percentage that was used to match the bid of the lowest responsible bidder. (10-16)

7) The City of DeKalb may reject any and all bids and award the contract to someone other than the lowest responsible bidder or a qualified local bidder who matches the lowest responsible bid upon a 2/3 vote of the City Council members then holding office. (93-102)

54.145 PURCHASING AND LETTING OF CONTRACTS

a) Purchases for all City departments shall be made in accordance with City purchasing policies as generally set forth below and processed through the Finance ~~Division~~Department in accordance with procedures established by the City Manager or designee.

b) The ~~City Manager~~Finance Director shall be the purchasing agent for the City responsible for authorizing or delegating the authority to authorize all necessary purchases of equipment, materials and supplies, professional and contractual services or other procurement authorized by the approved annual budget. ~~The City Manager or his/her designee must execute any purchase requisition or check request obligating the City to an amount equal to or greater than \$20,000. The City Council shall approve any purchase or contract obligating the City to an amount equal to or greater than \$20,000.~~ (09-71)

c) (1) The ~~City Manager~~Finance Director, department heads and other designated city officials shall have the authority to enter into contracts ~~(for the purchase of goods and materials, the provision of contractual or professional services and the construction of public improvements within amounts~~ authorized by the approved annual budget and in accordance with all applicable laws) in amounts up to \$10,000 without the necessity of any additional City Council approval. (09-71)

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(2) The City Manager or his designee shall have the authority to enter into contracts ~~(for the purchase of goods and materials, the provision of contractual or professional services, and the construction of public improvements within amounts~~ authorized by the approved annual budget and in accordance with all applicable laws) in the amounts from ~~\$10,001~~ to \$20,000 without the necessity of any additional City Council approval. (09-71)

(3) ~~+) In the event the city intends to enter into a contract which is to be paid on an hourly basis, such contract shall include an express limitation requiring approval or ratification by City Council prior to exceeding \$20,000.00 in the aggregate (and shall be read to include such a requirement pursuant to this Ordinance, even if not outlined in the agreement). Such contract shall be null and void for any expenditure in excess of \$20,000.00, unless and until ratified by the City Council, and where it can reasonably anticipated that the total sum of payments will ultimately exceed \$20,000, then the contract shall be brought before the City Council for approval.~~ (09-71)

~~ii) In the event the City manager or designee approves a contract which is to be paid on an hourly basis and the total sum of payments ultimately exceeds \$20,000, then the contract shall be brought before the City Council for ratification.~~ (09-71)

(4) In the event the City intends to enter into a contract for the purchase of goods and materials, the provision of contractual or professional services or the construction of public improvements in accordance with the City's Administrative Policy 002, Purchasing Manual, and the contract is for an amount between \$1,500 and less than \$20,000, and if a member of the City Council or an employee of the City of DeKalb has a direct or indirect financial interest in the contract, the contract shall be submitted to the City Council ~~shall approve the contract for consideration and possible approval~~; provided however that the award of the contract will not cause the aggregate amount of all such contracts awarded to a specific Council member's or employee's business in the same fiscal year to exceed \$20,000. (09-71)

(5) In the event the City intends to enter into a contract for the purchase of goods and materials, the provision of the contractual or professional services or the construction of public improvements in accordance with the City's Administrative Policy 002, Purchasing Manual, and the contract is for an amount less than \$1,500 and if a member of the City Council or an employee of the City of DeKalb is in direct or indirect financial interest in the contract, then the City Manager shall notify City Council, and if at least three (3) City Council members object to the letting of said contract, then the contract shall be brought before City Council for approval. (09-71)

(6) Each member of the City Council shall provide a "Disclosure Statement" to the City Clerk disclosing the name and nature of any business in which said member is an employee or has an ownership interest greater than 7 ½ %, not including publicly traded stocks or mutual funds, on an annual basis or within thirty (30) days of a change in the above or obtaining new employment or ownership interest in a business. Each member of the City Council shall also provide to the City Clerk on an annual basis a copy of his/her Statement of Economic Interests, which is filed in the DeKalb County Clerk's office. (09-71)

d) In the event of an emergency posing an immediate threat to the public health, safety or welfare, as jointly declared by the City Manager or his/her designee and the Mayor or his/her designee, the City Manager may authorize expenditures in excess of \$20,000 without competitive bidding or prior City Council approval or may authorize expenditures in excess of the approved budget, provided that any such expenditures are necessary to meet the emergency situation and provided that the City Manager shall submit a full report on and accounting of said emergency expenditures to the City Council no later than the next regularly scheduled City Council meeting. The City Council expressly (and by supermajority vote in approval of this Ordinance)

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authorizes the City Manager to waive competitive bidding and any other applicable requirements in order to exercise this emergency purchase authorization.

e) Except as noted above, competitive bidding is required for any work or other public improvement in excess of \$20,000. Bid specifications shall be prepared, and bids shall be solicited through advertising in a local newspaper having wide circulation on at least two separate occasions at least 14 days prior to the opening of the bids (or for shorter periods if required based upon the circumstances, as determined by the City Manager). Bids may also be solicited through additional appropriate means. Bids shall be subject to prior City Council approval and shall be in accordance with the City's Local Preference Policy as set forth in Section 54.14. The City Council may waive the bidding requirements with a 2/3 vote.

f) No person, firm or corporation shall be awarded a contract with the City of DeKalb if such person, firm or corporation is a debtor to the City of DeKalb. For purposes of this paragraph, a debtor is defined as having outstanding fees, water bills, sales tax or restaurant/bar tax payments that are 30 days or more past due, or has outstanding weed or nuisance abatements or liens, failure to comply tickets or parking tickets that are not in dispute as to their validity and are not being challenged in court or other administrative process. The City Council may waive this provision with a 2/3 vote. (91-58, 95-60, 06-12)

g) (1) Notwithstanding any other provisions of the Municipal Code, the City shall make no payments to any person, firm or corporation who is a debtor to the City of DeKalb. For purposes of this paragraph, a debtor is defined as having outstanding fees, water bills, sales tax or restaurant/bar tax payments that are 30 days or more past due, or has outstanding weed or nuisance abatements or liens, failure to comply tickets or parking tickets that are not in dispute as to their validity and are not being challenged in court or other administrative process.

(2) Notwithstanding any other provisions of the Municipal Code, the City shall not issue any permits to, nor approve any agreements with any person, firm or corporation who is a debtor to the City of DeKalb. For purposes of this paragraph, a debtor is defined as having outstanding fees, water bills, sales tax or restaurant/bar tax payments that are 30 days or more past due, or has outstanding weed or nuisance abatements or liens, failure to comply tickets or parking tickets that are not in dispute as to their validity and are not being challenged in court or other administrative process.

h) The ~~Comptroller/Treasurer~~ Finance Director and ~~Budget Officer~~ City Manager shall jointly insure that expenditures are charged to the appropriate fund and account, and that -

~~i) The Budget Officer shall insure that~~ expenditures are made within established budgetary levels authorized by Council.

j) The ~~Comptroller/Treasurer~~ Finance Director shall issue by the second regular City Council meeting of each month, a detailed listing of all checks issued in the previous month listed by vendor, account, fund, and purpose.

54.156 DISPOSITION OF PERSONAL PROPERTY

The City Manager shall be responsible for authorizing the disposition of equipment, materials, supplies and such other personal property of the City, of a value of \$20,000.00 or less. The City Council shall be responsible for authorizing or delegating the authority to authorize the disposition of equipment, materials, supplies and such other personal property of the City, of a value of \$20,000.01 or more. The disposition of personal property may be by sale, transfer, trade-in, exchange or salvage. The City Manager, department head or such other staff member as may be familiar with the personal property shall first make a determination that the personal property is no longer necessary, appropriate, required for the best use of, profitable to, or in the

best interests of the City. Competitive bidding is not required for the disposition of personal property. (07-83)

54.1754.16 FINANCE ADVISORY COMMITTEE (10-12)

a) **Creation.** There is hereby created a Finance Advisory Committee whose purpose it shall be to assist the City Council and City staff in analyzing the City's financial policies, long term financial stability, options for greater efficiencies and possible revenue and expenditure modifications. (10-12)

b) **Membership.** The Finance Advisory Committee shall consist of seven (7) members appointed by the Mayor, on the basis of their particular fitness for their duty on said Finance Advisory Committee, and subject to the approval of the City Council. Members of the Finance Advisory Committee shall reside within the City. The chairman shall be appointed by the Mayor with the advice and consent of the City Council for a term of two (2) years.

c) **Initial Terms of Office.** Initial terms of office shall be structured as follows: Two terms expiring June 30, 2010, two terms expiring June 30, 2011, two terms expiring June 30, 2012 and one term expiring June 30, 2013. (10-12)

d) **Terms of Office.** All terms of office after the initial terms referenced in Subsection (c) shall be four (4) years with terms expiring June 30th each year. No members shall serve for more than two (2) consecutive terms except when a vacancy has been created by the resignation or death of an appointed member of the Committee. In the event of such a vacancy, an appointment of a new member shall be made. If the remainder of the unexpired term is two (2) years or less, the newly appointed member shall be entitled to two (2) consecutive full four (4) year terms. Should the remainder of the unexpired term exceed two (2) years, then the remainder of the unexpired term shall be considered a full term of the newly appointed member. No member shall be allowed to serve more than ten (10) consecutive years regardless of the circumstances of appointment. All members of the Committee shall serve without compensation. (10-12)

e) **Role and Duties.** The Finance Advisory Committee shall be advisory to the Council. As such, the Finance Advisory Committee's role is to provide well reasoned, financially sound recommendations to the Council. Meetings and reporting shall be on a project-by-project basis or as otherwise assigned by the City Council. The Finance Advisory Committee shall work in cooperation with the City Council and the City Manager to analyze the City's financial policies, long term financial stability, options for greater efficiencies and possible revenue and expenditure modifications. (10-12)

f) **Staffing and Support.** The City Manager shall provide sufficient staff support to the Committee. Support shall include professional and clerical assistance as needed to sustain the Finance Committee activities required. (10-12)

~~(Chapter 54 revised by replacement Ord. 06-12)~~