ORDINANCE 2018-031       PASSED: JUNE 25, 2018

AMENDING CHAPTER 50 “CITIZENS’ ENVIRONMENTAL COMMISSION”, OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb is a home rule Illinois municipal corporation, with the power and authority granted to it under the Illinois Constitution of 1970, the Illinois Municipal Code, and the City Code of Ordinances; and,

WHEREAS, the City of DeKalb currently maintains Chapter 50 of the City Code pertaining to commissions, and wishes to adopt certain revisions to said Code; and,

WHEREAS, the City has determined that adoption of such revisions is in the best interests of the public, and preserves the public health, welfare, safety and morals;

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

Section 1. The City of DeKalb hereby adopts the revisions to Chapter 50 as outlined in the redlined version of the same attached hereto as Exhibit A, as if fully set forth herein.

Section 2. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.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: June 26, 2018. Effective date: July 5, 2018.


ATTEST:

RUTH A. SCOTT, Deputy City Clerk

JERRY SMITH, Mayor
Chapter 50

CITIZENS' ENVIRONMENTAL COMMISSION

Latest Revision: August 8, 2016 (2016-023)

Sections:
50.01 ESTABLISHMENT.
50.02 MEMBERSHIP.
50.03 COMMISSION OFFICERS.
50.04 DUTIES.
50.05 MEETINGS.
50.06 VOTING PRIVILEGES AND QUORUM. (2016-023)
50.07 P.R.I.D.E. AWARDS. (2016-023)
50.08 CONTRACTS AND EXPENDITURES.

50.01 ESTABLISHMENT.

There is hereby established a Citizens' Environmental Commission for the City of DeKalb. The Commission shall consist of eight (8) regular members and four (4) ex-officio members representing, respectively, the DeKalb County Health Department, the DeKalb Park District, the DeKalb-Sanitary/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. (1994-099, 2004-100, 2016-023)

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) regular members' terms shall end in odd numbered years and the other four (4) 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

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b) Ex-officio Members (2016-023)

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. (2016-023)

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 taking minutes 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. (2016-023)

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. (1994-099, 2016-023)
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 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. (1994-099, 1998-120, 2016-023)

50.06 VOTING PRIVILEGES AND QUORUM. (2016-23)

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 STAFF-LIAISON 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. Up to four (4) awards may be presented in any one year. 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. (1991-102, 1994-099, 1998-120, 2016-023)
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.

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.

   i. 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.

   ii. 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 City of DeKalb.