ORDINANCE 2018-077    PASSED: NOVEMBER 13, 2018

AMENDING CHAPTER 1 "GENERAL PROVISIONS" OF
THE MUNICIPAL CODE OF THE CITY OF DEKALB,
ILLINOIS, BY ADOPTING SECTION 1.23 "COLLECTION
OF FINES OR CHARGES"

WHEREAS, the City of DeKalb is a home-rule municipal corporation with all power and
authority derived under the law; and

WHEREAS, the Illinois Municipal Code, Section 65 ILCS 5/1-2-1 authorizes municipalities
to impose fines and penalties, and to impose a charge for any fees or costs incurred in
the collection thereof; and

WHEREAS, the City of DeKalb maintains certain charges, user fees, taxes and other
financial obligations that are due from third parties which from time to time are unpaid;
and,

WHEREAS, the City Council expressly finds that the failure to pay financial obligations
owed to the City jeopardizes the public welfare and threatens the City's ability to continue
providing public services, public utilities and other benefits in a responsible and efficient
fashion, and thus that the public health, safety, welfare and morals are protected through
the enforcement of financial obligations owed the City;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb,
Illinois:

SECTION 1. City Code Chapter 1 "General Provisions", Section 1.23 "Collection of Fines
or Charges" is hereby adopted.

1.23 Collection of Fines or Charges:

a) Pursuant to the home-rule authority of the City of DeKalb and the
authority conferred by virtue of the Illinois Constitution, the Illinois
Municipal Code and Section 1-2-1 thereof, the City of DeKalb hereby
authorizes and directs the Finance Director, with the concurrence of the
City Manager, to determine which fines, penalties, accounts receivable,
taxes, user charges, utility charges or other financial obligations which
may be owed the City in any form or for any reason (collectively, "Debt")
should be considered for any form of collection. The Finance Director is
authorized to submit any such Debt to any judicial or legal proceeding
for collection, or to submit the Debt to a collection agency approved by
the City Council for any form of civil debt recovery, or to submit the Debt
to any program maintained by any other unit of government, including
but not limited to the State of Illinois, for the purpose of Debt recovery
(including but not limited to the Illinois Debt Recovery Offset Program).
The Finance Director may adopt such rules and regulations as shall be
necessary to effectuate this Ordinance, including but not limited to
evaluating Debt on a per-class basis or case by case basis to determine
its appropriateness for submission to a recovery methodology.
b) Any costs incurred by the City by virtue of such collection activities or debt recovery program (including but not limited to collections fees, court costs, legal fees, staff costs, notice costs or any other costs whatsoever) shall be borne exclusively by the person(s) owing the Debt to the City, and shall be assessed against such person(s) as a charge due and owing to the City in addition to the underlying Debt. All such charges shall be required to be fully satisfied and extinguished before the Debt shall be released (and before any related enforcement methodology shall be released), except as provided in subsection (c) below.

c) The Finance Director and/or City Manager, within their respective spending authority, shall have the authority to determine or declare that any Debt is not probable of recovery and to write-off such Debt or discontinue collection methodology. The Finance Director and/or City Manager, within their respective spending authority, shall also have the authority to compromise or settle any Debt or obligation owed the City, and to accept partial or liquidated payment in exchange for a partial or complete release thereof. Any individual Debt in excess of the aforesaid spending authority shall require the approval of the City Council to discharge or write-off. With regard to any case or action implemented as an action or administrative hearing which is prosecuted by the City Attorney, the City Attorney shall be authorized to settle, resolve or compromise any fine, penalty or other Debt imposed therein, without limitation, as a matter of prosecutorial discretion.

SECTION 2. That each section, paragraph, sentence, clause and provision of the 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. Upon its passage and approval according to law, this Ordinance shall by authority of the City Council be published in pamphlet form.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 13th day of November 2018 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

ATTEST:

[Signatures]