



**CITY COUNCIL
SPECIAL MEETING
AGENDA**

**JANUARY 4, 2024
5:00 P.M.**

DeKalb Public Library
Yusunas Meeting Room
309 Oak Street
DeKalb, Illinois 60115

Notice of a Special Meeting of the City of DeKalb City Council for January 4, 2024, at 5:00 p.m., called pursuant to Chapter 2 "City Council", Section 2.05 "Special Meetings", of the Municipal Code of the City of DeKalb, Illinois.

Pursuant to Chapter 2 "City Council", Section 2.04 "Council Meetings", persons wishing to address the City Council during this meeting are required to register with the Recording Secretary by filling out and submitting a Speaker Request form, copies of which are located on the table just outside the meeting room, along with copies of the agenda. Comments will be limited to three (3) minutes. Further information for addressing the City Council can be found on the Speaker Request form.

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF THE AGENDA

C. PUBLIC PARTICIPATION

D. ORDINANCES – FIRST READING

1. Ordinance 2024-001 Amending Chapter 51 "Traffic" of the City of DeKalb Municipal Code to Provide for the "Regulation of Unscheduled Bus Stops" in the City of DeKalb.

City Manager's Summary: For most of 2023, the phrase "migrant crisis" was often featured in national and state-wide newscasts. Leading much of that news coverage was the story of a surge in migrant crossings from northern Mexico across the 1,933-mile border with the United States, and primarily across the boundary with Texas. In the past several months, an estimated 10,000 migrants have crossed the U.S.-Mexico border daily. Republican Governor Greg Abbott of Texas has for months been using state funds to transport migrants to northern cities with Democratic administrations (e.g., Chicago, New York, and Washington) to raise awareness of the need for federal immigration reform. By late December 2023, Chicago alone was sheltering over 14,000 migrants in 27 City locations.

In late December, Texas flew migrants to Chicago because the city and smaller communities in the Chicago collar counties have instituted restrictions and penalties on bus arrivals that are not part of registered interstate carrier schedules. Aggravating the pace and volume of migrant crossings at southern borders is a pseudo-legitimate and informal system of private companies that move migrants to the Mexican border and then to points in the U.S. at high costs which further burden migrant efforts to live without significant government support, whether or not they are eligible for asylum under U.S. law. Over the recent holiday, a "caravan" of around 6,000 people, many of them families and children from Guatemala, Venezuela and Nicaragua as well as Mexico, was moving toward the Mexico-Texas border while negotiations

between the U.S. and Mexico administrations reached no definitive action steps to manage the surge.



This topic invites attention from our local officials and social service agencies because this is no longer a problem for others to confront. In recent weeks, busloads of persons seeking a pathway to remain in the U.S., legally or illegally, have sought refuge in Aurora, Clarendon Hills, Elburn, Elmhurst, Naperville, Downers Grove, Hinsdale, Wooddale, Fox River Grove, Rockford, Lockport, Manhattan and Kankakee. Many persons who enter the U.S. through its southwest land border or adjacent coastal borders claim to be seeking asylum or protection from persecution on account of their race, religion, nationality or membership in social or political organizations banned by their native countries. Such persons may file an asylum application at the border and, after review, may be considered eligible for asylum because of a “positive credible fear.” Under provisions implemented by the Biden administration, decisions on such applications may take up to a year and asylum seekers may remain in the U.S. during such review. However, reported backlogs on pending immigration cases are expected to stretch final decisions by years.



Congressional negotiations leading up to the holiday recess included proposals (a) raising the “credible fear” standard for asylum seekers, (b) turning back migrants at the U.S.-Mexico border without affording them the chance to seek asylum, (c) expanding a fast-track deportation procedure for undocumented immigrants and (d) establishing quota systems like some European Union countries have imposed with respect to asylum seekers escaping civil strife in the eastern Mediterranean and north Africa. Although immigration is an area of law and responsibility identified in the U.S. Constitution, the ways and means for implementing that federal duty have changed many times in our nation’s history and are currently in flux as the migrant surge and Washington’s political stalemate continue.

The attached ordinance creates a new Section 51.34 regulating unscheduled bus stops in the City of DeKalb. It is targeted at the owners and managers of the private carriers cynically carrying migrants from the nation’s Southwest ostensibly to the Chicagoland area but then discharging their passengers at unfamiliar locations well outside any organized station within the Chicago city limits, with no plan for their housing and accommodations upon arrival. The specific terms of the attached ordinance are as follows:

- The ordinance applies to commercial motor vehicles operating as common carriers engaged in privately chartered service.
 - The service is not part of a regularly scheduled, publicly available transportation route;
 - The service in question will include the disembarking of 10 or more passengers within the City who will not reboard;
 - The service does not include arrangements for round-trip transportation.
- **The owner or manager of the chartered service shall file an application with the City’s Division of Transportation within the DeKalb Public Works Department to allow passengers to disembark in the City’s corporate limits. Such application shall be submitted and approved at least ten (10) calendar days prior to the date of the proposed arrival.**
 - The application shall include the full name, full address, electronic mail address, and telephone numbers of the owner and manager of the commercial motor vehicle;
 - The application shall include the full name, full address, mobile and landline telephone numbers, and electronic mail address of the person or entity that has directed, paid for, or financed the transport of persons who will disembark the vehicle upon arrival in the City;
 - The application shall include the full name(s), known address(es), and telephone number(s) of the persons who are intending to disembark from the bus in the City;
 - The application shall include the name and address of the City location where the applicant proposes to allow passengers to disembark;
 - The application shall include the date and time at which the applicant’s passengers will disembark in the City, which shall be between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding any federal, state or City holidays;
 - The application shall include the full name, full address, mobile and landline telephone numbers and electronic mail addresses of all entities or individuals that will be present to meet and receive the passengers disembarking in the City;

- **The application shall include a detailed plan identifying how the disembarking passengers will be housed and fed upon disembarking in the City for a period of not less than thirty (30) days.** The plan shall be signed by the entity or individual agreeing to be responsible for providing the action steps detailed in the plan;
 - The person submitting the application shall swear or affirm that to the best of their knowledge or belief the information set forth in the application is true and correct, and such oath or affirmation shall be attested by a person authorized to administer oaths or witness affirmations within the state where the application is sworn or affirmed;
 - The City's Transit Manager shall review all applications described above. Within five (5) days after receiving a complete application the Transit Manager shall inform the applicant whether or not the proposed plan is approved or denied for the stated location. Such approval shall not be unreasonably withheld unless the Transit Manager can show that the application includes materially false or incomplete information. If the Transit Manager denies an application, the applicant shall have three (3) calendar days after the denial to appeal the decision of the Transit Manager to the City Manager.
- **Complaints brought by the City for any violation of this ordinance shall be heard before the City's Administrative Hearing Officer in the manner and terms outlined in Chapter 17 of the DeKalb Municipal Code. The Administrative Hearing Officer shall impose a fine of not less than One Thousand Dollars (\$1,000) per violation, for each passenger arriving on the offending commercial motor vehicle. Additionally, for any violation of any provision of this code the DeKalb Police Department is authorized to seize and impound the commercial motor vehicle until any fines or attendant hospitality costs arising from such violation (s) shall be paid in full by the offending owner or manager. Such fines and hospitality costs as well as any related towing and storage fees shall be collected before the impounded vehicle is released.**
- **Whenever a Police officer has probable cause to believe that a commercial vehicle is subject to seizure and impoundment pursuant to this code, the Officer shall order the towing according to Chapter 35 of the DeKalb Municipal Code.**

It is very important to note that persons from any point of origin disembarking from public transportation or privately chartered services in DeKalb should have, and will have, the opportunity to get to where they intend to go safely and without harassment. If DeKalb Police officers are called to assist, they will provide the same kind of professional service they would normally offer persons in need of assistance. The Police Department will not act as surrogate officers of the federal Immigration and Naturalization Service.

The recent surge of irregular migration toward the U.S. as well as western Europe – the largest since 1945 – has economic roots. Individuals and families of comfortable means do not make up a significant portion of the migrants on the move. In this country, as busloads of migrants have reached northern cities, their passengers have generally arrived without the means to rent housing, buy food, or seek medical attention. Oftentimes, communication in English is difficult, there are no families or friends to meet them, and their numbers pose insurmountable demands on local social service agencies and governments without the means for the broad general assistance that is needed. To address the welfare of arriving passengers on unscheduled private carriers which have been showing up in northern Illinois communities over the past month and may be dropped off without notice in DeKalb, Ordinance No. 2024-001 proposes a unique requirement that the owner or manager of a commercial vehicle operating as a common carrier shall present the City with a detailed plan identifying how the disembarking passengers will be housed and fed in the City for a period of not less than thirty (30) days.

What happens if an arrival does not go as planned and the private carrier is not prepared to offer the needed assistance? City staff have been engaged with other government officials, social service agencies, and hospitality businesses to temporarily work out appropriate responses if required to do so for guests arriving outside of regular business hours or without the private means to provide for themselves or their families. However, DeKalb's resources would be quickly tapped. The last "surge" our DeKalb-area social service agencies faced was in the immediate aftermath of the extensive arson fire damage at the former Hunter Ridgebrook apartments in July 2019. At that time, 21 residents were locally housed at the expense of local social service agencies (particularly Family Service Agency) for over a month, totaling about \$28,000 in building rent and motel assistance. The total of all assistance to the Ridgebrook victims (approximately 87) was over \$37,000. In contrast to the experience awaiting migrants, most of these residents were able to retain their jobs or sources of support, and most had social or family networks in the area to fall back upon. Only a few weeks after the Hunter Ridgebrook fire, a more catastrophic fire at a large Sycamore apartment complex exhausted the remaining resources of our county-wide social service agencies.

In the upper Midwest, the City of Chicago is clearly the preeminent haven for emergency housing, emergency financial assistance, job training, emergency health care, low-cost intracity transportation, and advanced social service and mental health agencies.

City Council approval is recommended. ([click here for additional information](#))

E. ADJOURNMENT

SPECIAL AGENDA PACKET
JANUARY 4, 2024