

**ORDINANCE 2014-024**

**Passed July 28, 2014**

**AMENDING THE MUNICIPAL CODE OF THE  
CITY OF ILLINOIS, CHAPTER 3, "CITY  
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 3 of the City Code, which relates to the Administration of the City of DeKalb; and,

**WHEREAS**, the City Council finds that certain updates to Chapter 3 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 3 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**Section 2.** All ordinances or portions thereof in conflict with this ordinance are hereby repealed.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.

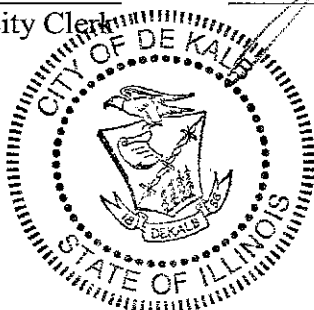
**Section 4.** This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: July 29, 2014. Effective date: August 7, 2014.

**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 A. REY, Mayor



Chapter 3

CITY ADMINISTRATION

Latest Revision: 06-12-14

Sections:

- 3.01 ELECTIONS AND REGISTRATION OF VOTERS.
- 3.02 PERSONS ENTITLED TO VOTE.
- 3.02-5 REDISTRICTING THE CITY.
- 3.03 GENERAL ELECTIONS.
- 3.04 WARDS.
- 3.05 MANAGERIAL FORM OF GOVERNMENT.
- 3.06 MAYOR.
- 3.07 CITY MANAGER.
- 3.08 POWERS AND DUTIES OF THE CITY MANAGER.
- 3.08-5 ~~ADMINISTRATIVE SERVICES DEPARTMENT~~ASSISTANT CITY MANAGER.
- 3.09 POWERS OF THE MAYOR AND COUNCIL.
- 3.10 SCOPE OF DEPARTMENTS.
- 3.11 POWERS AND DUTIES OF APPOINTIVE OFFICERS AND EMPLOYEES.
- 3.12
- 3.13 AUDIT.
- 3.14 CITY CLERK. <sup>(12-96)</sup>
- 3.15 PLANNING AND ECONOMIC DEVELOPMENT. <sup>(14-02)</sup>
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- 3.17 CITY ATTORNEY. <sup>(14-02)</sup>
- 3.18 DEPARTMENT OF PUBLIC WORKS.
- 3.19 BOARD OF LOCAL IMPROVEMENTS.
- 3.20 BOARD OF FIRE AND POLICE COMMISSIONERS. <sup>(12-71)</sup>
- 3.21
- 3.22 ACTS OF AGENTS OR EMPLOYEES; LIABILITY OF LICENSEE; KNOWLEDGE.
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- 3.25 FEES TO CITY TREASURY.
- 3.26 LEGAL DEFENSE AND INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES.
- 3.27 CITY SEAL.
- 3.28 SURETY BONDS.
- 3.29 BLANKET BOND FOR CITY EMPLOYEES.
- 3.30 INSURANCE POLICIES AND CLAIMS SERVICE AGREEMENTS.
- 3.31 MUNICIPAL RETIREMENT FUND AGENT.
- 3.32 HARDSHIP RETIREMENT ASSISTANCE.

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- 3.33**        **ESDA DISASTER PLAN.**
- 3.34-39**
- 3.40**        **COMPENSATION.**
- 3.41**        **PAYMENT OF EMPLOYEES AND OFFICERS.**
- 3.42**        **COMPENSATION CHANGES.**
- 3.43**        **MANAGEMENT PAY PLAN.** (12-71, 12-96)
- 3.44**        **MANAGEMENT MERIT PAY PROGRAM:** (90-61, 12-52)
- 3.45**        **MANAGEMENT BENEFITS PLAN.**
- 3.46**        **RESIDENCY REQUIREMENTS FOR EMPLOYEES AND OFFICERS.**

**3.01 ELECTIONS AND REGISTRATION OF VOTERS.**

- a) The City of DeKalb has not adopted and is not operating under the provisions of Articles 6, 14 and 18 of the Election Code of the Illinois Compiled Statutes, Chapter 10.
- b) Pursuant to Article 4 of the Election Code of the State of Illinois, this city adopts the system of registration of voters maintained by the County Clerk of DeKalb County and makes the same applicable to all elections held in the city.
- c) Article 4 of the Election Code of the State of Illinois (10 ILCS 5/4) be, and the same is hereby adopted and made applicable to all elections held in the City of DeKalb for the nomination at a primary and the election of officers of the city.
- d) A certified copy of this section shall be filed in the office of the County Clerk of DeKalb County by the City Clerk.

**3.02 PERSONS ENTITLED TO VOTE.**

All persons who are entitled to vote at any general election for state officers, and who have a permanent abode within the city may vote therein at any election for city officers.

**3.02-5 REDISTRICTING THE CITY.**

The wards of the City of DeKalb as heretofore established and as may hereafter be established shall be reapportioned according to population. In the formation of the reapportioned wards the population of each shall be as nearly equal as possible, and the wards shall be of as compact and contiguous territory, as possible. The method for reapportionment shall be as follows:

That whenever pursuant to Article I, Section 2 of the United States Constitution, there shall be taken an actual Enumeration within every ten years in such manner as the Congress of the United States shall by law direct, the City Council shall, by using the census tracts derived from said Enumeration, apportion the population among the wards accordingly. Said reapportionment of population shall be completed within two years following the Federal decennial year and no later than October 1 of the current year (1972) and by that day and month every subsequent ten years hereafter.

**3.03 GENERAL ELECTIONS.**

A general election for city officers shall be held on the first Tuesday of April of every odd numbered year. (82-80)

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**3.04 WARDS.**

The wards of the City of DeKalb as designated in the "Official Ward Map", a copy of which is on file in the Office of the City Clerk, are hereby established and shall be the election districts for all municipal elections hereafter held in the City of DeKalb. Said Official Ward Map shall be periodically revised as new territory is annexed to the City. An official copy of said map shall be on display and available in the office of the City Clerk, who shall also be responsible for providing a copy to the DeKalb County Clerk, as the Consolidated Elections Official, at least sixty (60) days prior to each municipal election date. (98-28)

**3.05 MANAGERIAL FORM OF GOVERNMENT.**

The City shall be governed under the managerial form of municipal government under the provisions of the Illinois Municipal Code, Article 5.

**3.06 MAYOR.**

a) Oath; Bond. The Mayor shall, before entering upon the duties of ~~his~~ office, take and subscribe to the oath prescribed by law for city officers, and execute a bond, with security, to be approved by the Council, in the penal sum of \$3000.00, payable to the City, conditioned for the faithful performance of the duties of ~~his~~ the office, and the payment to the proper persons or officers of all moneys received ~~by him~~ as ~~such~~ Mayor, according to law and the ordinances of the City. The bond shall be filed with the City Clerk.

b) Tax Sales. The Mayor, or designee, is hereby authorized to attend tax sales in the county and bid there at, in behalf of the City, on any real or personal property offered for sale, to enforce the collection of any tax or special assessment in which the City is interested; and may purchase at any such sale in behalf of the City. (97-95)

c) Part-time Position. The Mayor shall be considered on a part-time basis in carrying out the duties of the office of Mayor. (80-54)

d) Power to Appoint Members of Boards, Commissions and Committees. The Mayor shall appoint all members of boards, commissions, committees of the City of DeKalb, with the advice and consent of the City Council, except as otherwise provided in this Code. (91-73, 97-95)

e) Power to Remove Members of Boards, Commissions and Committees. The Mayor, with a three-fourths majority vote of the Corporate Authorities then holding office, may remove a member of any board, commission or committee, at any regular Council meeting.

f) Power to Approve Intergovernmental Agreements. In the event that the Mayor determines that circumstances relating to a proposed intergovernmental agreement are such that the proposed agreement requires action that cannot be delayed until the next available agenda for a regularly scheduled meeting of the City Council of the City of DeKalb, the Mayor or ~~his~~ a designee ~~thereof~~ shall be authorized to sign, approve and enter into such agreement on behalf of the City, provided that: 1) the agreement has a term that is equal to or shorter than the remaining then-current term of office of the Mayor; 2) the agreement does not involve the expenditure of funds in excess of the then-current City Manager's spending authority; 3) the agreement does not involve the expenditure of funds in excess of the amounts budgeted, appropriated and otherwise available for the intended purpose; and, 4) the proposed agreement is an intergovernmental agreement pursuant to Illinois law, with another public entity or association or coalition thereof. For purposes of this Agreement, use of budgeted City staff time and/or otherwise budgeted City resources or consumables (e.g. use of previously

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authorized and purchased salt to aid another unit of local government during a snow emergency), shall not be counted towards the value of the expenditure at issue. (12-54)

**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. (14-02)

The City Manager may be removed pursuant to the terms of the then-current City Manager employment agreement. (14-02)

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. During any short-term or planned absence of the City Manager, the City Manager shall appoint an interim manager from among the City's Department Heads or their subordinates. Any such Acting City Manager shall have the full authority of the City Manager during their term of service as Acting City Manager. (14-02)

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. (04-04)

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. (77-38, 04-04)

**3.08 POWERS AND DUTIES OF THE CITY MANAGER.**

The City Manager shall be the chief administrative officer of the city government, with ~~His~~ powers and duties ~~are~~ as follows:

a) ~~He~~ The City Manager shall supervise and be responsible to the Council for the proper management and efficient operation of all City Departments, except to the extent that jurisdiction over the functions and employees of said departments and offices are expressly vested in others by statute. (97-95, 04-46, 05-06, 05-76)

b) ~~He~~ The City Manager shall cooperate with the City Clerk, and other elected officials and shall render to them all such assistance as possible in the performance of their respective duties. ~~He~~ The City Manager shall

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cooperate with the Plan Commission, the Board of Appeals, the Library Board, the Board of Fire and Police Commissioners and other administrative or quasi-judicial boards and commissions which may be appointed from time to time by the Mayor or Council. (04-46)

c) ~~He~~The City Manager shall appoint and remove all officers, department heads and employees of the City, except the Deputy City Clerks; and that employees of the library shall be appointed by the Library Board, and policemen and firemen shall be appointed by the Board of Fire and Police Commissioners, taking into consideration the recommendation of the Manager. (97-95, 04-46)

d) ~~He~~The City Manager shall be the chief law enforcement officer of the city and shall see that all laws and ordinances of the City of DeKalb and State of Illinois are enforced.

e) ~~He~~The City Manager shall prepare and present to the Council at the end of each fiscal year an annual budget indicating an estimate of income and expenditure for the ensuing year for the consideration of the Council. ~~He~~The City Manager shall also be responsible for the preparation of the annual appropriation and tax levy ordinances. ~~He~~The City Manager shall have supervision over the accounting work of the city and shall cause to be kept a full and complete book of accounts showing the exact condition of the financial affairs of the city to the extent that such supervision is not vested in the Treasurer by the Illinois Compiled Statutes.

f) ~~He~~The City Manager shall keep current inventories showing all the property and equipment of the city, and be responsible for its care and custody.

g) ~~He~~The City Manager shall grant all licenses except as otherwise provided by Illinois Compiled Statutes or by the DeKalb Municipal Code. All licenses issued by ~~him~~the City Manager shall comply in all respect to ordinances of the City of DeKalb and Illinois Compiled Statutes and shall be issued only to such persons as shall be deemed qualified to be licensed. (04-46)

h) ~~He~~The City Manager shall attend all the regular and special meetings of the Council unless excused by the Council. ~~He or his~~The City Manager or a delegate staff liaison shall attend all regular and special meetings of the boards or commissions now in effect or which may be appointed in the future.

i) ~~He~~The City Manager shall render a monthly report to the Council covering the work of each department or operation of the ~~city~~City~~under his management~~. ~~He~~The City Manager shall also, as soon as possible, after the end of each fiscal year of the city prepare a written report summarizing the work of such fiscal year.

j) ~~He~~The City Manager shall cause to be rendered, in cooperation with the Treasurer, monthly statements showing the exact financial condition of the city at the end of the preceding month and a financial statement for each fiscal year.

k) ~~He~~The City Manager shall from time to time make recommendations to the Council relative to the adoption of such ordinances and resolutions as ~~he~~be deemed necessary or expedient in the best interest of the City of DeKalb together with such special reports as he may deem advisable or as the Council requests.

l) ~~He~~The City Manager shall devote ~~all his entire~~ time to the discharge of ~~his~~ duties during reasonable hours.

m) ~~He~~The City Manager shall have the authority to dispose, sell or give away personal property of the City of DeKalb ~~that he reasonably determines has a value of less than Fifty Dollars (\$50.00) pursuant to City Code Section 54.16~~. ~~He~~The City Manager shall keep records of all dispositions of personal property

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accomplished under this section and shall annually report such dispositions to the City Council. (89-54)

n) ~~He~~The City Manager shall perform such other duties as may be required by the Council not inconsistent with the ordinances of the City of DeKalb or Illinois Compiled Statutes. In the event of any vacancy in any Department Head position, the City Manager shall have the authority to serve as Acting Department Head, or to appoint a City Employee for said purpose. Any authority of any Department Head of the City of DeKalb or subordinate employee thereof is derived from the authority of the City Manager and is subject to the oversight and supervision of the City Manager.

**3.08-5 ADMINISTRATIVE SERVICES DEPARTMENT ASSISTANT CITY MANAGER.**

a) ~~Establishment. There is hereby created the Administrative Services Department of the City of DeKalb. This department shall consist of the Assistant City Manager and such other officers and employees in the Finance, Human Resources, Information & Technology and Economic Development Divisions, or as may be provided by the City Council. (04-46, 05-06, 06-57)~~

~~b)~~ There is hereby created the position of Assistant City Manager, who shall be appointed and removed at the discretion of the City Manager. The Assistant City Manager shall have those duties and responsibilities as assigned by the City Manager, including, but not limited to, ~~supervision of the Administrative Services Department~~, serving as Acting City Manager in the City Manager's absence, coordinating collective bargaining activities, assisting the City Manager with general administrative matters, providing professional assistance to various City boards and commissions and coordinating various special projects. (87-63, 04-46, 05-06)

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**3.09 POWERS OF THE MAYOR AND COUNCIL.**

The powers of the Council shall be purely legislative. However, all functions, powers, and duties conferred or imposed upon the City Manager shall be subject to the superior right and power of the Mayor and Council to govern the city. All acts of the City Manager performed pursuant to this chapter shall, unless otherwise expressly provided be final and conclusive unless and until superseded by the action of the Council.

**3.10 SCOPE OF DEPARTMENTS.**

The scope, duties, organization and functions of administrative city departments and divisions thereof shall be determined by the City Manager taking into consideration the recommendations of the affected department head, consistent with generally accepted management principles, methods and procedures.

**3.11 POWERS AND DUTIES OF APPOINTIVE OFFICERS AND EMPLOYEES.**

All appointive officers and employees shall have such powers and duties as determined by the Illinois Compiled Statutes or as established by ordinance. (97-95)

**3.13 AUDIT.**

At the close of each fiscal year an independent audit of all city accounts shall be conducted independently of the City Manager, Assistant City Manager and ~~Treasurer~~Finance Director. Such audit shall be made by Certified Public Accountants, selected by the Council, licensed by the State of Illinois, and fully experienced in municipal accounting. Copies of such audit shall be made available for public inspection and filed with the City Clerk. (05-06)

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**3.14 CITY CLERK.** (12-13)

a) Oath and Bond. The City Clerk shall, before entering upon the duties of the office, take and subscribe the oath required by law for city officers, and execute a bond with surety to be approved by the Council, payable to the City in the penal sum of \$25,000 conditioned for the faithful performance of the duties of the office and the payment of all monies received by ~~him/her~~ the Clerk according to law and the ordinances of the City. The bond shall be filed with the Director of Finance/City Treasurer. (12-96)

b) Seal. It shall be the duty of the City Clerk to keep the corporate seal of the City, and affix the same to all papers requiring the corporate seal.

c) Council Records. The City Clerk shall attend all meetings of the Council and keep a full record of the Council proceedings in its journal. The Clerk shall also be responsible for keeping a full record of all closed sessions and/or closed meetings of the Council, in accordance with then-current Illinois law. Notwithstanding the foregoing, the City Clerk may be excluded from executive session where appropriate or required in accordance with Illinois law. In the absence of the Clerk and Deputy Clerk, the Council may appoint a recording secretary to assume said duties.

The Clerk shall record in a book to be kept for that purpose; all ordinances passed by the Council, and on each ordinance shall make a memorandum of the date of the passage and the publication of such ordinance.

d) Custodian of Documents. The City Clerk shall keep, file and safely preserve all ordinances passed by the Council, and shall have the charge, custody and control of all deeds, cases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given any other officer. The Clerk shall also be responsible for the recording, publication or distribution of any action of the City Council that requires such recording, publication or distribution.

e) Notice of Election. The City Clerk shall notify all persons elected or appointed to offices of the election or appointment within five days after the result of the election is declared, or appointment made; and generally do and perform such duties as may be required of him/her by the Council and the ordinances of the City. (12-96)

f) Documents to Successor. The City Clerk shall upon the termination, in any manner, of ~~his~~ the term of office, deliver to ~~his~~ the duly appointed or elected and qualified successor, all books, documents, records, papers, moneys or other property of the City in ~~his~~ the Clerk's custody.

g) Publication of Treasurer's Report. It shall be the duty of the City Clerk, at the end of each fiscal year, to cause to be published in such newspaper published in the City as may be selected by the Council, the City Treasurer's annual report.

h) Office Hours. The City Clerk shall keep ~~his~~ the office in the Municipal Building open for the transaction of business of the City, except upon Saturdays, Sundays or legal holidays, during the same hours as other City administrative departments.

i) Deputy City Clerks. The City Manager shall determine the staffing of the City Clerk's office. The City Manager may hire one or more full or part time City employees whose duties may include working in the City Clerk's office. From the City personnel and staff who are authorized by the City Manager to work in the City Clerk's office, the Clerk may appoint one or more Deputy Clerks from time to time, who shall be responsible for the proper discharge of any duties undertaken by said Deputies to the same extent as if done by the City Clerk personally. Said appointment as Deputy Clerk may be made on a temporary or provisional basis, as needed, to fulfill the City Clerk's obligations when the City Clerk is unable to do so. All City personnel who are authorized to work in the City Clerk's office shall remain Chapter 3 employees of the City and shall remain



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under the supervision of the City Manager. (12-96)

With the approval of the City Manager ~~or his designee~~, the City Clerk may appoint other current City personnel or staff, outside the City Clerk's office, to serve as Deputy City Clerks from time to time.

~~Provided that the City employs a person in the position of Executive Assistant, said person in the position of Executive Assistant shall be among the persons authorized to be appointed as a Deputy City Clerk.~~ The City Clerk shall not be authorized to appoint as a Deputy Clerk any person who is not a then-current employee of the City. Any person appointed as a Deputy Clerk in accordance with the restrictions of this subparagraph (i) may fulfill any role of the Clerk. (12-96)

j) The Deputy City Clerks may be removed from the position of appointed Deputy City Clerk by the City Clerk at any time, and for any reason with or without cause; said removal shall not cause the person in question to be terminated from employment by the City. The Deputy City Clerks may also be removed for cause at any time by a majority vote of the Mayor and Council voting jointly. The action of the Mayor and Council in removing a deputy shall be final. The appointment of a Deputy City Clerk shall expire at the completion of each term of office of the City Clerk unless otherwise terminated sooner under the provisions of this Section. Further, the appointment of any City personnel or staff as a Deputy City Clerk shall automatically terminate in the event that said appointee is terminated from employment within the City, or terminated from employment within the City Clerk's Office. (12-96)

k) Salary. The City Clerk shall receive such salary and compensation as shall from time to time be fixed by ordinance. ~~Fees may be collected as provided by State Statute and by ordinance and shall be deposited upon receipt into the City Treasury.~~ The City Council shall review the salary for the City Clerk at the last regularly scheduled Council meeting in June, preceding a general municipal election.

l) The Deputy City Clerks shall be eligible for the same pay, merit and benefits as they would be entitled to in the absence of appointment as Deputy City Clerk; no person shall be entitled to further or additional compensation and benefits by virtue of appointment to serve as a Deputy City Clerk.

m) Benefits. The City Clerk shall not be entitled to any benefits or additional compensation other than the salary established by the City Council, other than utilization of any funding for training that the City Council shall expressly authorize. (12-96)

**~~3.15 PLANNING AND ECONOMIC DEVELOPMENT~~ COMMUNITY DEVELOPMENT**. (14-02)

a) ~~There is hereby created the position of Community Development Director, who shall be appointed and removed at the discretion of the City Manager. The Community Development Director shall have those duties and responsibilities as assigned by the City Manager.~~ Planning and Economic Development within the City of DeKalb shall be under the direction and supervision of the ~~Director of Public Works~~ Community Development Director. ~~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~~ Community Development Director who have responsibilities relating to Planning and Economic Development shall be as assigned by the Community Development Director ~~Director of Public Works Director~~ from time to time.

b) ~~Principal Planner~~ Duties of Community Development Director: The ~~Principal Planner~~ Community Development Director shall devote ~~his/her entire~~ all productive 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

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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, ~~Building Official, Planning and Economic Development Official~~ or City Planner is used, such title shall mean the ~~Principal Planner~~ Community Development Director.

8. The Community Development Director shall coordinate, supervise and oversee the economic development activities of the City and shall coordinate with other local entities involved in economic development within the City.

9. The Community Development Director may delegate all or some of the duties outlined above to other City employees within the Community Development Department from time to time.

c) Additional duties of the Community Development Director shall include coordinating the building issues with regard to private and public property within the City. The Director shall:

1. Exercise general supervisory responsibility for the enforcement of adopted codes including, but not limited to building, plumbing, electrical, mechanical, fire prevention, existing structures, handicap accessibility, traffic control, drainage and nuisance regulation of the City.

2. Provide for the inspections of new and existing structures as required by the Municipal Code.

3. Attend, or provide for a designee to attend, all regular and special meetings of the Zoning Board of Appeals, Building Board of Appeals, Plumbing Board of Appeals, Electrical Commission and any other boards or commissions as may be assigned by the City Manager, and provide for staff assistance to all such boards and commissions.

**3.17 CITY ATTORNEY. (14-02)**

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

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to time. The City Attorney shall also serve as prosecutor of any violations of City Code or Ordinance.

**3.18 DEPARTMENT OF PUBLIC WORKS.**

a) Establishment. There is hereby created the Department of Public Works for the City. This department shall consist of the Director of Public Works and such other officers and employees as may be provided by the City Council. (04-46)

b) Director of Public Works. There is hereby created the office of Director of Public Works, who shall be appointed and removed at the discretion of the City Manager. The City Manager shall serve as ex-officio Director of Public Works until this office is filled by appointment. The director shall have control and supervision over all officers and employees assigned to the department subject to the control of the City Manager. (04-46)

c) Functions. The Director of Public Works shall have charge of and supervision over all public property owned by the City, including all streets, sidewalks, alleys, public ways, parks, parkways, municipal buildings and all other property of the City not specifically assigned to some other officer. (04-46)

d) ~~He-The Director of Public Works~~ shall have charge of, and be responsible for the care, maintenance and operation of the City water distribution system; storm water and sanitary sewer systems owned by the City and all street and sidewalk drainage. (04-46)

e) ~~He-The Director of Public Works~~ shall have charge of the street lighting system, and shall be responsible for the maintenance, repair and extension thereof. (04-46)

f) All physical properties of the City, including the water distribution, parks, playgrounds, and all municipal utilities not assigned to some other department or officer are assigned to the Director of Public Works. (04-46)

g) All construction, repair or extension of any, building, sewer, or lighting system, water mains, and any appurtenances thereto, and all other construction, repair or maintenance work conducted by the City, shall be done by or under the supervision of the Director of Public Works unless specific direction to the contrary is made by the City Council. (04-46)

h) ~~He-The Director of Public Works~~ shall have charge of the agreement/contractor responsible for collection and disposal of garbage and refuse. (04-46)

i) ~~He-The Director of Public Works~~ shall have charge of and be responsible for the condition of all motor vehicles, trucks and other equipment of the City; and of all buildings or places in which the same are housed or kept. (04-46)

j) ~~He-The Director of Public Works~~ shall have charge and custody of all physical property of the City, other than records, not assigned to some other officer or employee. Subject to the supervision of the City Manager, ~~he-the Director of Public Works~~ shall have charge of the operation of the water distribution system, the sewer system and disposal plant, and the care and maintenance of streets. (04-46)

k) The Director of Public Works ~~He~~ shall have care and custody of all City owned buildings. (77-39, 04-46)

l) Additional duties of the Director of Public Works shall include coordinating Environmental Pollution Control issues. The Director shall: (05-76)

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1. Be responsible to the Environmental Pollution Control Commission for the day-to-day administration of environmental pollution control laws now or hereafter adopted by the City of DeKalb; and,

2. ~~At the direction of the Environmental Pollution Control Commission, i~~Investigate complaints of violations of environmental pollution control laws now or hereafter adopted by the City of DeKalb and to make inspections and observations of environmental pollution conditions; and,

3. Encourage and conduct studies, investigations and research relating to the biological, physical, chemical, engineering, and meteorological aspects of environmental pollution; and its causes, prevention, control and abatement as the Commission may deem advisable and necessary; and,

4. Enlist voluntary cooperation by the public, municipalities, counties, communities, and civic, technical, scientific and education societies; and,

5. Provide for the training of City employees in the proper investigation and reporting of complaints about any environmental pollution.

m) The Public Works Director shall also:

~~m) Additional duties of the Director of Public Works shall include coordinating the building, engineering and transportation issues with regard to private and public property within the City. The Director shall: (10-38)~~

~~1. Exercise general supervisory responsibility for the enforcement of adopted codes including, but not limited to building, plumbing, electrical, mechanical, fire prevention, existing structures, handicap accessibility, traffic control, drainage and nuisance regulation of the City.~~

~~2. Provide for the inspections of new and existing structures as required by the Municipal Code.~~

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~~3. Attend, or provide for a designee to attend, all regular and special meetings of the Zoning Board of Appeals, Building Board of Appeals, Plumbing Board of Appeals, Electrical Commission and any other boards or commissions as may be assigned by the City Manager, and provide for staff assistance to all such boards and commissions.~~

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41. Manage the activities of the department in a manner consistent with established policies and procedures pursuant to the direction of the City Manager.

25. Prepare an annual budget for submission to the City Manager; prepare an annual report for submission to the City Manager; and prepare any other studies or reports as may be required by the City Manager.

63. Perform other duties and responsibilities as may be required by the City Manager.

74. Supervise all construction, repair or extension of any pavement and roadways. ~~He-The Public Works Director~~ shall review and recommend approval, amendments, or alterations relating to surface drainage, land alteration and erosion control, storm water control, traffic control and traffic studies, parking issues, and floodplain and wetland issues. ~~He-The Director~~ shall have charge of and supervision over assuring conformance of activities meeting engineering standards for bridges, sidewalks, traffic signals, water facilities, parking lots, and extensions of streets, alleys, and sewers. (04-46)

~~n) Whenever, throughout this Municipal Code, the title Planning and Economic Development official,~~

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~~Building Official or similar titles are used, such titles shall mean the Director of Public Works or his/her designee. (09-45) (10-38)~~

**3.19 BOARD OF LOCAL IMPROVEMENTS.**

a) There shall be a Board of Local Improvements to be composed of the Mayor and four members appointed by the Mayor with the consent of the City Council (at such times as the City has a need for such Board pursuant to applicable laws).

b) In making a local improvement by special assessment, the Board of Local Improvements, the Mayor and the City Council shall follow the procedures set forth in 65 ILCS 5/9-2-1 et.seq. with amendments thereto adopted prior to the adoption of this Section. Said Division 2 of Article 9 of Chapter 65 is hereby adopted by the City of DeKalb, not less than three (3) copies of said Act having been on file in the office of the City Clerk for not less than fifteen (15) days prior to the adoption of this ordinance. The Board of Local Improvements and the City Council shall have all the powers and duties set forth in said Statute, incorporated herein by reference. (77-38)

**3.20 BOARD OF FIRE AND POLICE COMMISSIONERS.** (12-71)

a) There shall be a Board of Fire and Police Commissioners as provided by law, which shall consist of three (3) members whose terms shall be for three (3) years. Such members shall be appointed by the Mayor, with the consent of the Council.

b) The Board of Fire and Police Commissioners shall have charge of all appointments to the Fire and Police Department, except: 1) the Chief of each department; 2) the Assistant or Deputy Chiefs; and, 3) Lieutenants or any successively higher rank in the Police Department. The Board shall conduct and hold all entrance and promotional examinations in the manner required by law. It shall also assume all other duties as provided by the Illinois Compiled Statutes.

c) The Board of Fire and Police Commissioners shall give promotional preference to, or award credits for military or naval service to individuals seeking promotional appointments within the Fire and Police Departments in accordance with the requirements of Illinois law.

d) The Board of Fire and Police Commissioners shall be authorized to establish Rules and Procedures for its operation, in accordance with the requirements of Illinois law, with any such Rules and Procedures requiring the approval of the City Manager and the Chiefs of the Fire and Police Departments.

**3.22 ACTS OF AGENTS OR EMPLOYEES; LIABILITY OF LICENSEE; KNOWLEDGE.**

Every act or omission, of whatsoever nature, constituting a violation of any of the provisions of this Act by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer and licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or committed by him personally. (95-48)

**3.25 FEES TO CITY TREASURY.**

a) All officers, ~~whose salaries are fixed by the council,~~ shall pay all the fees collected by them into the City Treasury.

b) Any officer violating the provisions of this section shall be personally liable and also liable on ~~his~~ any

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**applicable** official bond to the City, for all moneys received ~~by him~~ as fees and not paid into the treasury in accordance with the provisions of this Section, and the same may be recovered in an action of debt in the name of the City, in the same manner as fines, penalties and forfeitures may be collected. (77-04)

**3.26 LEGAL DEFENSE AND INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES.**

a) Definitions. For purposes of this Section the term "officer" shall include any elected or appointed official of the City, and the term "employee" shall include all employees of the City, whether under civil service or not; including firemen and policemen. (86-15)

b) Indemnification. Any officer or employee who is liable for the payment of any claims or damages, excluding punitive damages, arising out of the course and scope of employment shall be entitled to indemnification by the City provided that the acts or omissions resulting in such liability were done in good faith and without malicious or felonious intent. For the purposes of this Section, the term "arising out of the course and scope of employment" shall not include any action which occurs during a period of time in which the officer or employee is engaged in outside employment or is rendering contractual services to someone other than the City. Whether the acts were done in good faith, without malicious or felonious intent, and within the course and scope of employment shall be determined by the City, and such determination shall be final for the purposes of the representation and indemnity of this Section; provided, however, that in the event such representation and indemnity have been denied by the City, if upon a trial on the merits the City determines that the officer or employee was acting in good faith, without malicious or felonious intent and within the scope of employment the indemnification hereunder shall be granted and reasonable legal expenses incurred in the defense of the claim reimbursed. The City shall not be liable for any settlement of any such claim or suit effected without its consent, and the City reserves the right to assert any defense and make any settlement of any claim or suit that it deems expedient. (86-15)

c) Representation in actions. The City shall have the right and duty to provide legal representation through the City Attorney, or in its discretion through the selection of outside legal counsel, to any officer or employee sued in connection with any claim for damages or other civil action against such person arising out of the course and scope of employment, provided that such officer or employee is entitled to indemnification as set forth in this Section. Such legal representation shall be provided at no cost to the officer or employee, and any officer or employee may have his or her own counsel assist in the defense at the sole expense of the officer or employee. The officer or employee shall cooperate fully with the City in preparation and presentation of the case, and the failure to cooperate shall waive such officer's or employee's right to representation and indemnity under this Section. (86-15)

d) City's defenses. Nothing in this Section shall be construed as waiving the City's defense of governmental immunity to it or its employees or officers in any action brought against the City of such officer or employee. For any suit or claim arising under the Illinois Local Governmental and Governmental Employees Tort Immunity Act, the indemnity provided by this Section shall be limited to the statutory limits applicable to the City provided in said Act, as amended. (86-15)

e) Notice. The provisions of this Section shall apply only where the City has been given notice of the action brought against any City officer or employee within ten (10) days of service of process upon the officer or employee. (86-15)

f) Disciplinary actions. Nothing in this Section shall prevent the City from taking disciplinary action against any officer or employee for conduct defended or indemnified by the City under this Section, either before or after conclusion of the civil suit. (86-15)

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g) Suits in behalf of the City. Nothing in this Section shall require the City to indemnify any officer or employee for recoveries made against him or her in suits by or on behalf of the City. The City Council may however, authorize the City Attorney or another licensed attorney to represent any officer or employee in a suit brought by a taxpayer in behalf of the City against the officer or employee. (86-15)

**3.27 CITY SEAL.**

The seal herein provided is declared to be the common and corporate seal of the City, and shall be used in all cases which by the ordinances of the City or by law or custom, it is or may be necessary for the City or any department or officer thereof, to use a seal.

The seal is described as follows: Upon the top of the shield of the Baron DeKalb shall rest the great golden eagle of the State of Illinois and upon the face of the shield, diagonally from the lower left to upper right, a golden strand of barbed wire which shall represent the invention and first manufacture of that product in the City. A white scroll shall be in the upper left section representing the exceptional educational facilities of the City from elementary education through advanced degrees at Northern Illinois State University. Stalks of golden corn, representing the discovery and development of hybrid seed and the many pioneering contributions made to the agricultural industry by citizens and industry of the city, shall occupy the lower section of the seal. The background shall be a ribbon on which shall be inscribed, "DeKalb" and the numbers "1856", said numbers representing the year in which the City was incorporated.

**3.28 SURETY BONDS.**

Wherever in this code a bond is required to be given to the City, such bond shall have as a surety thereon, a regular surety company authorized and licensed to do business under the laws of the State of Illinois.

**3.29 BLANKET BOND FOR CITY EMPLOYEES.**

a) The Council shall direct the City Manager to procure on behalf of the City a good and sufficient "Public Employees Honesty Blanket Position Bond," covering all employees of the City other than the Mayor, City Manager, City Clerk, City Attorney, City Treasurer, and employees of the Police Department, indemnifying the City of DeKalb from any loss sustained by any one or more of the employees so covered.

b) The above bond shall cover the designated employees in the principal amount of \$2,500, provided, however, that the Water Commissioner and City Engineer shall be covered by the bond in the principal amount of \$5,000 each.

c) The Council shall direct the City Manager to procure on behalf of the City a good and sufficient "Public Employees Faithful Performance Blanket Position Bond", covering every member of the Police Department in the principal amount of \$2,500 and indemnifying the City against any loss caused to it through the failure of any such employees acting alone or in collusion with others to faithfully perform all his duties.

**3.30 INSURANCE POLICIES AND CLAIMS SERVICE AGREEMENTS.** (12-59)

a) The City Council may, from time to time, approve the procurement, funding and execution of one or more policies of insurance covering the activities of any or all City property or personnel, in such form of coverage as the City Council shall determine to be appropriate.

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b) In order to provide for the administration of such insurance policies, the City Council may, by ordinance or resolution, approve of a Claims Service Agreement or other similar agreement with an insurance company or other party, whereby the other party agrees to service claims initiated with respect to the City, governed under the terms of the policy or policies of insurance procured by the City, whether within or outside the limits of any deductible or self-insured retention amounts.

c) Subject to the limit of funds appropriated and budgeted for such purpose and any applicable legal restrictions, the City Council's approval of such a Claims Service Agreement or other similar agreement shall constitute authority for the party that the City has contracted with to expend funds from a City Claim Fund or other reserve fund established by the City in cooperation with such party. Such authorization shall also be restricted to any discretionary authority limits that such agreement imposes on the other party, or any other applicable restrictions imposed by the Claims Services Agreement.

d) Where approved by ordinance or resolution, the City may authorize a designated representative of the City to exercise supplemental spending authority in excess of any other specifically delegated spending authority, for the limited purpose of increasing the discretionary authority limits relative to individual, discrete claims against or involving the City, in circumstances where such designated representative believes such action is necessary to protect the City's best interests, or to promote the public health, safety or welfare.

e) All City staff and officials are authorized to take all lawful steps necessary to comply with the terms of any approved policies of insurance or Claims Service Agreements on behalf of the City.

**3.31 MUNICIPAL RETIREMENT FUND AGENT.**

a) Name. There is hereby created and established the position of Municipal Retirement Fund Agent.

b) Duties. The Municipal Retirement Fund Agent shall be the official agent of the City of DeKalb in all matters concerning the Illinois Municipal Retirement Fund, and said Agent shall, on behalf of the City, sign all affidavits, keep full and complete records of receipts, expenditures, payroll deductions and taxes levied and appropriated for the Retirement Fund, and act as administrative head of the Retirement Fund for the City. The agent shall annually prepare and present to the Council of said City a complete and full report of ~~his~~ the City's IMRF-related acts and doings as such agent at the final meeting of the Council in each fiscal year.

c) Term of Office. The Municipal Retirement Fund Agent shall be appointed by the City Manager by and with the consent of the Council for an indefinite term or until a successor shall be appointed, and said appointee shall be selected from the employees or officers of the City. (82-80)

**3.32 HARDSHIP RETIREMENT ASSISTANCE.**

a) All full-time employees may apply for hardship retirement assistance as defined below. Such assistance shall consist of a maximum of three years of individual and dependent health insurance coverage provided by the City under the same terms and conditions regarding coverage, co-insurance, and deductibles as established by applicable labor/management agreements or by the appropriate sections of the municipal code which are in effect at the time of application.

b) Hardship Retirement shall be applicable when the employee has a physical or mental limitation which has developed over a period of time that demonstrably impairs the employee's ability to effectively perform the duties of the employee's position. In order to be considered for hardship retirement assistance the employee must meet the following criteria.



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1. The employee must apply for hardship retirement assistance to the City Manager in writing 30 days prior to the beginning of the municipal fiscal year in which the employee is seeking to retire.

2. The employee must be eligible to draw a partial or full retirement under the pension plan in which the employee is a participant.

3. The employee must be in good standing with the City. Good standing shall be defined as the lack of any disciplinary actions against the employee in the five fiscal years prior to the application for hardship retirement assistance in which the final outcome of such disciplinary action resulted in the employee suffering a demotion or loss of wages.

c) A panel consisting of one alderman selected by the City Council, the City Manager or designee, a representative of the employee's labor union if the employee is a full member, and the employee's Department Head shall review all applications for hardship assistance and shall provide their recommendations to the City Council for their approval.

d) The City Council shall approve any hardship retirement assistance by majority vote.

e) The City Council may amend or discontinue this program at any time. If the Council takes such action, employees currently receiving assistance through this program shall continue to receive all benefits previously approved by the City Council when the employee's application was considered. (93-80)

**3.33 ESDA DISASTER PLAN.**

1. There is hereby created a City of DeKalb ESDA to prevent, minimize, repair and alleviate injury and damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975."

This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

2. The Coordinator of the DeKalb ESDA shall be the City Manager. The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the Mayor of the City of DeKalb as provided by statute. In the event of the absence, resignation, death or inability to serve as the Coordinator, the appointed personnel in the line of succession to the City Manager shall serve as ESDA Coordinator.

3. The City ESDA shall perform such ESDA functions within the City as shall be prescribed in and by the state ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided in "The State ESDA Act of 1975."

4. All or any members of the City organization may be designated as members of a mobile support team created by the Director of the State ESDA as provided by law. The leader of such Mobile Support Team shall be designated by the Coordinator of the City ESDA organization. Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State reasonable compensation as provided by law.

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5. The Coordinator of ESDA may negotiate Mutual Aid Agreements with other cities, counties or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the City Council and by the State Director of ESDA.

6. If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the City ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers provided by law.

7. Members of the ESDA who are paid employees or officers of the City, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held.

8. The ~~State Treasurer-Finance Director~~ may receive and allocate to the appropriate fund, any reimbursement by the State to the City for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the City in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

9. The City Council may, on recommendation of the City Coordinator of ESDA, authorize any purchase of contracts necessary to place the City in a position to combat effectively any disaster and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of any man-made or natural disaster.

In the event of enemy caused or other disaster, the City Coordinator of ESDA is authorized, on behalf of the City, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by "The State ESDA Act of 1975," provided that if the City Council meets at such time he shall act subject to the directions and restrictions imposed by that body.

10. Every person appointed to serve in any capacity in the City ESDA organization shall, before entering upon ~~his~~ any duties, subscribe to the following oath, which shall be filed with the Coordinator:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the DeKalb ESDA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

11. The Mayor of the City Council is authorized to designate space in a City building, or elsewhere, as may be provided for by the City Council for the City ESDA and its office.

12. The City Council may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five (5) cents per one hundred (100) dollars

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of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975"; however, that amount collectable under such levy shall in no event exceed ~~\$0.25 cents~~ per capita. (76-66, 94-86)

13. Ordinance 94-86 shall be in force from and after its passage and approval, as provided by law. Ordinance 94-86 shall supersede and make null and void any previous ordinance dealing with the establishment of a ESDA Department for the City of DeKalb.

**3.40 COMPENSATION.** (14-02)

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.

**3.41 PAYMENT OF EMPLOYEES AND OFFICERS.**

a) Salaries of Elected Officials. The salaries of all elected officials of the City of DeKalb as set by ordinance shall be paid every other week (26 times a year) upon the same payday as regular City employees.

b) Salaries of other employees fixed by ordinance. The salaries of other employees which are fixed by ordinance shall be paid every other week (26 times a year) for the work performed during the two week period ending on the preceding Sunday.

c) Wages of other employees. All other employees shall be paid every other week (26 times a year) on an hourly basis for the number of hours actually worked during the two week period ending on the preceding Sunday.

d) Establishment of payday. The day upon which compensation is to be paid to all City employees shall be set by the ~~Comptroller~~ Finance Director and shall not be more than six days after the end of the two week pay period. (86-01, 93-68)

**3.42 COMPENSATION CHANGES.** (14-02)

a) Elected officials and members of appointive boards and commissions shall receive such changes in

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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.

**3.43 MANAGEMENT PAY PLAN. (14-02)**

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 <del>Assistant Transportation Planner</del>
Grade 4	<del>Management Analyst/Human Resources Coordinator</del> Transportation Planner Executive Assistant
Grade 5	Plans Examiner Community Services Planner Economic Development Coordinator <del>Management Analyst</del>
Grade 6	City Planner Chief Building Inspector Chief Property Maintenance Inspector Deputy Information & Technology Director <del>Accountant</del>
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 Operations/Maintenance Section Manager <del>Crime Free Housing and Inspection Coordinator</del>
Grade 8	Assistant Public Works Director – <del>Operations/Maintenance</del> Street Operations Assistant Public Works Director – <del>Utilities</del> Water Resources

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	Information & Technology Director
	Police Lieutenant
	Economic Development and Policy Administrator
	<del>Finance/Purchasing Director</del>
Grade 9	Assistant City Manager
	Assistant Public Works Director – Building/Engineering/Transportation Planning & Economic Development Director
	Assistant Fire Chief
Grade 9.5	Police Commander
	Deputy Fire Chief
	Deputy Police Chief
Grade 10	Director of Public Works
	Fire Chief
	Police Chief
	<del>Finance Director</del>
	<del>Community Development Director</del>
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, prior to at or near~~ 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

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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 or otherwise assumes responsibilities outside the employee's customary responsibilities.

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

**3.44 MANAGEMENT MERIT PAY PROGRAM:** (90-61, 12-52)

a) For the purpose of this Section 3.44, the positions established in Section 3.43 are established. (99-06)

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. (04-55)

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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 the employee~~ 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-payment~~ in the amount of 2.0%, which will not be incorporated into the employee's base salary, based upon the employee's performance. (04-55, 12-52)

g) Salary adjustments for the City Manager shall be as contemplated by the applicable employment agreement. (14-02)

**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: (99-06)

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. (04-55)

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). (14-02)

d) Previous Agreements. This Section 3.45, as comprehensively revised on January 13, 1986, supersedes all previous applicable sections, understandings or provisions except agreements entered into with employees hired prior to November 1, 1977, and any subsequent official employment agreements executed by the City Manager.

e) Management Policy Manual. A management policy manual which shall include the pay and benefits plan, job descriptions and applicable policies, procedures and rules shall be maintained in the Human Resources office and available for inspection by management employees. (04-55)

f) Probationary Period. New appointees shall serve a probationary period of six months. At the end of the probationary period, the appointee shall be evaluated by his/her immediate supervisor to determine whether the appointee is to be retained, demoted or discharged. Retention, demotion or discharge shall be determined by the City Manager.

g) Evaluations. All employees shall be evaluated at least annually by their immediate supervisor to determine whether the employee is to be retained, demoted, discharged, potentially eligible for promotion or eligible for merit pay.

All final determinations regarding employee evaluations shall be made by the City Manager. Consideration of discipline, discharge or promotion may also be made outside of any formal evaluation process.

h) Holidays. Paid holidays for employees shall be as follows:

New Year's Day  
Martin Luther King, Jr. Day (08-73)  
Presidents' Day (04-04)

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Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve Day  
Christmas Day  
Two (2) floating holidays

In the event that any of the above holidays fall on a Saturday, then the preceding Friday shall be observed as the holiday. In the event that any of the above holidays fall on a Sunday, then the following Monday shall be observed as the holiday. (04-04)

Floating holidays shall be credited on the date of hire and on January 1 for every year thereafter. Floating holidays may not be accumulated or carried forward from year to year. (94-85, 94-121, 04-55, 05-76)

i) Vacations. Employees shall be entitled to vacation time with pay pursuant to the following schedules:

1. Management Employees:

(a) Employees shall be credited with ten (10) prorated vacation days on their date of hire. The actual number of days shall be determined by multiplying the number of months between the date of hire and January 1 by ten and then dividing by twelve with the amount being rounded to the nearest full day.

(b) Employees who have completed zero (0) to three (3) years of continuous service shall be granted ten (10) vacation days per year on January 1 of each year. (04-55, 05-76)

(c) Employees who have completed three (3) to seven (7) years of continuous service shall be granted fifteen (15) vacation days per year on January 1 of each year. (04-55, 05-76)

(d) Employees who have completed seven (7) to fifteen (15) years of continuous service shall be granted twenty (20) vacation days per year on January 1 of each year. (04-55, 05-76)

(e) Employees who have completed fifteen (15) years of continuous service shall be granted twenty-five (25) vacation days per year on January 1 of each year. (04-55, 05-76)

2. The City Manager shall be authorized to negotiate and determine placement of new employees within this vacation schedule.

3. Vacation time accrual shall be based on January 1. The full additional five (5) days in the third, seventh and fifteenth years shall be awarded to employees on the January 1<sup>st</sup> preceding the appointment anniversary date. (04-55, 05-76)

4. Employees may carry over vacation days from one year to the next as long as the total number of vacation days maintained by an employee at no time exceeds thirty-two (32) days without the prior approval of the City Manager. In order to avoid exceeding the thirty-two (32) day maximum, an employee must use either vacation time or submit a written request to the City Manager for pay in lieu of vacation and/or the ability to carry forward more than the maximum thirty-two (32) days. The approval of such requests are within the discretion of the City Manager. (87-05, 04-55)



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5. In the case of retirement, resignation in good standing or death of an employee, he/she or his/her estate shall be paid for all unused vacation time up to the maximum accumulation of thirty-two (32) days. Compensation shall be at the rate of pay being earned at the time of separation. (87-05)

6. Vacation selection shall be year round. Department Heads shall submit vacation schedules to the City Manager, and all other employees shall submit such schedules to their Department Head. No vacation shall exceed ten (10) consecutive work days without prior authorization by the employee's immediate supervisor. The City Manager may cancel scheduled vacation in the event of an emergency or as otherwise determined by the City Manager. The City Manager may deny a requested scheduled vacation based on scheduling needs or problems. (94-121, 04-55)

j) Sick Leave.

1. Employees shall be credited with five (5) days of paid sick leave upon the date of hire and thereafter shall accumulate one (1) additional day of sick leave for each month of service to a maximum of three hundred thirty (330) working days. (04-55)

2. Sick leave may be used for personal illness or injury, illness by the employee's spouse, children, step-children or parents, or for preventative medical or physical treatment or examination.

3. Employees using sick leave may be required by the City Manager or the employee's immediate supervisor to submit physician's substantiation of the illness or injury.

4. In the event that an employee uses all accumulated sick leave, the employee shall utilize all other accumulated paid leave. In the event that all paid leave is used, the City Manager may place the employee on unpaid leave of absence for a period of not to exceed six (6) months. The City Council may authorize an additional six (6) month leave of absence. Once all leave options have been exercised, at the City Manager's discretion, the employee shall either be placed on indefinite disability leave or shall be terminated.

5. In the event of retirement, resignation in good standing or death, employees or their estates shall be compensated, at the rate of pay at the time of separation, for unused sick leave up to ninety (90) days as follows: (94-121, 04-55)

<b><u>PERCENT REIMBURSABLE</u></b>	
<b><u>YEARS OF SERVICE</u></b>	<b><u>ACCUMULATED SICK LEAVE</u></b>
0-1	0%
1-2	10%
2-3	20%
3-4	30%
4-5	40%
5-6	50%
6-7	60%
7-8	70%
8-9	80%
9-10	90%
over 10	100%

k) Disability.

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1. Any employee who is incapacitated from sickness or injury in the course of ~~his~~ employment with the City so that he is physically or mentally disabled to an extent or in such a manner that he can no longer perform normal duties shall be entitled to leave on account of such disability with full pay up to a maximum of one (1) year. The City may require an employee receiving or to receive disability benefits to undergo medical examinations to determine physical and/or mental incapacitation, projected date to return to normal duties or availability for restricted hours or duties.

2. An employee who is receiving benefits under the Worker's Compensation Act or the Worker's Occupational Disease Act shall be paid the difference between base pay and the aforementioned benefits for up to the maximum one (1) year period.

3. During the period of disability, the injured employee shall not be employed in any other manner with or without monetary compensation. Any employee who is employed in violation of this provision forfeits disability compensation.

4. During the period of disability, up to the maximum one (1) year period, the employee shall receive full pay and shall continue to receive health, dental and life insurance benefits provided by the City. The employee shall not accrue vacation, sick leave or other benefits. Only the portion of the employee's salary paid by the City (i.e. not worker's compensation payments) is subject to payroll deductions and counts toward pension creditable service.

5. After the one (1) year period, the City will cease to pay the difference between worker's compensation and regular salary and will cease "fronting" worker's compensation payments. The employee may continue health and life insurance benefits by reimbursing the City the monthly cost of said premiums. The employee will be placed on disability leave of absence for an indefinite period, to be terminated by the City Manager ~~at his discretion~~ or as allowable by law.

6. An employee who is injured in the course of employment shall immediately notify his/her department head and the City Manager's office and immediately file or have filed necessary accident or injury reports.

l) Leave of Absence (except disability leave).

1. The City Manager may authorize a leave of absence without pay for a period not to exceed six (6) months. An additional six (6) month period may be authorized by the City Council. Employees on leave of absence for periods in excess of two (2) weeks are not eligible for any benefits except that group health insurance may be continued at the discretion of the City Manager. The employee may continue said benefits by paying to the City the costs of the benefit.

m) Insurance. (03-97, 04-46, 06-57, 08-73, 96-11, 10-60, 12-26)

1. All employees shall pay twenty percent (20%) of the City's premium for the hospital and medical plan coverage which they select. The employees may select individual, single plus one (1) or family coverage at their annual enrollment. Medical, hospitalization, dental and life insurance benefits are as set forth in approved plan handbooks and are subject to change by action of the City Council.

2. A retired employee (one who is eligible for retirement under his/her specific retirement program) may maintain hospital, medical and dental insurance for the employee and eligible family by reimbursing the City for the City's costs as more fully outlined below.

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3. Effective April 2, 2012 City contributions toward the cost of health insurance benefits for full-time employees of the City who are currently or who were previously covered by this Chapter 3 or a predecessor City Ordinance describing a management benefits plan (hereafter referred to as "Employee" or "Employees") shall be modified as follows below. Part-time employees shall not be eligible for any of the following insurance benefits. For purposes of calculating years of continuing, creditable service to the City, only years spent in full-time positions shall be included.

A. For Employees who have retired, voluntarily left employment, or have been involuntarily terminated prior to the effective date of amendment of this Ordinance, retiree health insurance benefits shall be provided as follows:

i. Employees who voluntarily retired from employment by the City at a time when then-eligible to receive the post-retirement health insurance benefit (at age 55 or older), immediately following ten or more years of continuous, creditable service to the City ("Past Retirees"), shall be eligible for continuing post-retirement health insurance benefits under the version of this Section 3.45 (or predecessor version of the management benefits plan Ordinance) that was then-current at the time of retirement. While the plan description for the City Medical Plan under which benefits are afforded may change, the Past Retirees' entitlement to City contributions towards or payment of health insurance premiums or other post-employment health benefits, if any, shall remain unchanged.

ii. Employees who do not satisfy subsection 3.45(m)(3)(a)(i), including but not limited to employees who were terminated for cause and including employees who quit, were involuntarily terminated (not for cause, as a reduction in force or layoff) or otherwise separated from employment voluntarily at a time when not then-eligible for retirement benefits (e.g. before the age of 55 or without ten or more years of continuing creditable service to the City), and employees who for any other reason were ineligible for post-retirement health benefits immediately upon their separation from the City, shall not be entitled to receive any post-retirement health insurance payments, benefits or contributions, even after achieving the age of 55.

B. Employees who are current employees of the City as of April 1, 2012 and who:

i. Provide notice of their intent to retire not later than July 27, 2012;

ii. Work their last day with the City on or before December 31, 2013, provided that their last day is on or after the date on which such employee becomes eligible to retire under his or her retirement program;

iii. After having accrued ten or more years of continuing, creditable service to the City in some capacity (whether under the terms of a collective bargaining agreement or as a non-union employee); ("Notice Retirees"),

shall be eligible to receive employee hospital, medical and dental insurance, the premiums for which shall be paid by the City upon reaching the age of 55 (whether they reach such age before or after retirement). Said employee may obtain family coverage by reimbursing the City for the City's costs. During the period of time *after retirement and prior to reaching the age for Medicare eligibility* (hereafter referred to as "Medicare Age"), City retiree health insurance benefits shall be primary coverage for the employee, or secondary if the employee has other health insurance coverage that the employee elects to utilize. During the period of time after reaching the age of 65, the City retiree health insurance benefits shall be secondary coverage. Employees who retire under this Section 3.45(m)(3)(b) shall not be eligible for any City contribution, subsidy or match for any 457 Plan participation or Post Employment Health Plan (PEHP); Employees may participate in such 457 or PEHP programs if otherwise eligible, at their sole expense. If such employees retire prior to reaching age 55,

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they shall not be eligible for any City contribution or subsidy of individual health insurance premiums for the period of time *after retirement and before reaching age 55*. During such period, if an employee wishes to maintain coverage on the City Plan, the employee may maintain such coverage by paying the full premium for such coverage. If a retired employee discontinues hospital and medical insurance coverage for ~~himself, his spouse for self, spouse,~~ and/or any or all of ~~his~~ dependent, unmarried children, ~~he said retired employee~~ will not be able to reinstate coverage unless all evidence of insurability (as determined by the City's insurance broker) is met. The City has no obligation to pay the premium of a retired employee reaching the age of fifty-five (55) who has discontinued coverage unless all evidence of insurability (as determined by the City's insurance broker) is met.

C. For current employees who: 1) were hired prior to March 1, 1986; 2) have attained 10 or more years of continuing, creditable service with the City; and, 3) at the time of hire were hired by the City to work in the Police or Fire Departments ("Tier 1 Employees"):

i. If the retiree wishes to receive coverage under the City's Medical Plan (defined herein as the City Medical Plan which is then-current at time of retirement), the City shall pay 80% of the premium cost for the retiree's coverage under the City's Medical Plan, excluding spouse and dependents, during retirement, commencing at age 55 (or older, if the retiree works past age 55) and continuing until the employee reaches Medicare Age.

ii. After an employee reaches Medicare Age, the City shall pay 100% of the premium cost for the retiree's coverage under the City's Medical Plan, excluding spouse and dependents, during retirement. Such coverage shall be secondary in nature.

iii. The City shall contribute annually an amount matching any contribution made by the employee to ~~his a~~ preferred 457 plan up to a maximum of \$2,000 annually while the employee remains employed by the City. (Employees are free to contribute additional amounts beyond the \$2,000, without any city match.) At and following retirement, the City shall have no obligation to make any contributions, match or subsidy towards a 457 plan or PEHP.

iv. If the employee seeks to receive coverage for a spouse or dependents under the City Plan during retirement, the retired employee will have to pay 100% of all premium costs for the spouse and dependents.

D. For employees other than Tier 1 employees, who were hired before December 31, 2001, who have attained 10 or more years of continuing, creditable service with the City (including fire/police employees hired on or after March 1, 1986 who are now or who elect to be governed under the provisions of this Section 3.45 and including non-fire/police employees hired on or before December 31, 2001) ("Tier 2 Employees"):

i. If the retiree wishes to receive coverage under the City's Medical Plan (defined herein as the City Medical Plan which is then-current at time of retirement), the City shall pay 80% of the premium cost for the retiree's coverage under the City's Medical Plan, excluding spouse and dependents, during retirement, commencing at age 55 (or older, if the retiree works past age 55) and continuing until the employee reaches Medicare Age.

ii. After an employee reaches Medicare Age, the City shall contribute \$2,000 per year towards a PEHP, to be paid starting when the employee reaches Medicare Age, and terminating upon the retired employee's death. The coverage outlined under section 3.45(m)(3)(d)(i) shall terminate at the time the employee reaches Medicare Age.

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iii. The City shall contribute annually an amount matching any contribution made by the employee to ~~his-a~~ preferred 457 plan up to a maximum of \$2,000 annually while the employee remains employed by the City. (Employees are free to contribute additional amounts beyond the \$2,000, without any city match.) At and following retirement, the City shall have no obligation to make any contributions, match or subsidy towards a 457 plan (but the PEHP obligation outlined in the preceding paragraph shall remain).

iv. If the employee seeks to receive coverage for a spouse or dependents under the City Plan during retirement, the retired employee will have to pay 100% of all premium costs for the spouse and dependents.

E. For employees hired on or after January 1, 2002 and before January 1, 2012 ("Tier 3 Employees"), the City shall have no obligation to pay any health insurance premiums after retirement. If the employee seeks to receive coverage under the City Plan, the retired employee will have to pay 100% of all premium costs for ~~himself~~ and ~~his~~ dependents. The City shall contribute annually an amount matching any contribution made by the employee to ~~his-a~~ preferred 457 plan up to a maximum of \$3,000 annually while the employee remains employed by the City. (Employees are free to contribute additional amounts beyond the \$3,000, without any city match.) At and following retirement, the City shall have no obligation to make any contributions, match or subsidy towards a 457 plan or PEHP.

F. For employees hired on or after January 1, 2012 ("Tier 4 Employees"), the City shall have no obligation to pay any health insurance premiums after retirement, and shall have no obligations to make any contributions, subsidy or match towards any 457 plan, PEHP, or other similar plan. If the employee seeks to receive coverage under the City Plan, the retired employee will have to pay 100% of all premium costs for ~~himself~~ and ~~his~~ dependents.

G. Any Past Retiree, Notice Retiree, or Tier 1-4 Employee shall be eligible for participation in and coverage under the City Plan after retirement, regardless of such Retiree/Employee's eligibility for subsidy or contribution towards the cost of such plan. Any Retiree/Employee who opts to participate in or utilize the City Plan following retirement from the City shall be responsible for whatever portion of the cost of premiums and charges related to such coverage that the City is not responsible for under the terms of this Section 3.45(m). For example, following retirement, Tier 2 Employees shall be responsible for 20% of the cost of an individual premium and 100% of the cost of a spouse/dependent's coverage premium. Tier 4 Employees, following retirement, shall be responsible for 100% of individual, spouse or dependent coverage premiums. All such premium payment obligations shall be subject to the pre-payment requirement outlined in subsection (6) below.

4. Any employee authorized to receive benefits during ~~his~~ employment as outlined above, such as participation in a PEHP or 457 Plan shall participate in a plan administered by a choice of vendors acceptable to the City. In addition, any employee eligible for participation in a 457 plan shall be eligible to change the amount of ~~his~~ contribution into the plan (and, if applicable and up to the limit, the City's matching contribution), not more than four times per calendar year.

5. A. The City agrees that retiree health insurance benefits shall not be diminished for employees included in section 3.45(m)(3)(a) (Past Retirees) nor shall it be diminished for employees included in sections (m)(3)(b), (m)(3)(c), (m)(3)(d), or (m)(3)(e) (Notice Retirees, Tier 1, Tier 2, Tier 3, collectively referred to as "Current Entitled Employees"). The plan description for the City's Medical Plan is subject to change at any time. However, the benefits afforded to Current Entitled Employees, in terms of percentage of employee/employer contribution towards health insurance premiums, or amount of employer match or contribution towards 457 or PEHP, shall not be diminished, as reflected in the individual agreements with Employees. (In other words, while the plan design, actual benefits and cost of the plan and similar factors may

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be altered, the employee's liability for payment and the City's responsibility for contributions and percentage premium subsidy shall remain consistent.)

B. The City shall execute an individual agreement with each affected Current Entitled Employee, in a form acceptable to the City Manager, outlining current post-retirement health insurance related benefits under this section 3.45(m), if any, that are applicable for the Current Entitled Employee, within one hundred and twenty (120) days of the date of amendment of this section 3.45(m).

6. For any retired Employee who is responsible for paying any self or spouse/dependent health insurance premium to the City for any period of time, such premium shall be paid from the retired Employee to the City at least fifteen (15) days **prior** to the date on which the premium is required to be paid *by the City*. Failure to timely make the advance payment of the premium to the City shall result in termination of coverage.

7. For an employee to be entitled to this post-retirement health insurance benefit under section 3.45(m)(3)(b), 3.45(m)(3)(c), or 3.45(m)(3)(d) (i.e. Notice Retirees, Tier 1 Employees and Tier 2 Employees), the employee must either:

- a. Retire from employment at a time when eligible to receive the post-retirement health insurance benefit (e.g., under section 3.45(m)(3)(c), retire at age 55 years or older, *immediately following* 10 or more years of continuous, creditable service to the City); **or**
- b. Retire from employment, after having 10 or more years of continuous, creditable service to the City, as the direct and proximate result of a disability that: 1) is incurred as a compensable, work-related injury while in the course of employment by the City; and, 2) precludes and prevents the employee from having or maintaining any employment, by the City or otherwise;

Employees who do not qualify for post-retirement health insurance benefits by meeting one of the eligibility criteria under this section 3.45(m)(7), shall not be eligible for City-paid post-retirement health insurance benefits under this section 3.45(m)(3)(b), 3.45(m)(3)(c), 3.45(m)(3)(d) or 3.45(m)(3)(e). For example, employees who are terminated by the City, for cause, shall not be eligible for City-paid, post-retirement health insurance benefits. Employees who retire before the age of 55 shall not be eligible for City-paid, post-retirement health insurance benefits. ***Employees who are terminated involuntarily, as a not-for-cause termination, prior to the age of 55 shall not be eligible for City-paid, post-retirement health insurance benefits.*** (12-52)

8. If a retired employee discontinues hospital and medical insurance coverage, said employee will not be able to reinstate coverage unless all evidence of insurability (as determined by the City's insurance broker) is met. The City has no obligation to pay the premium of a retired employee who has discontinued coverage unless all evidence of insurability (as determined by the City's insurance broker) is met. If a retired employee is eligible for any contribution towards the cost of family, spouse or dependent coverage, these same requirements of providing satisfactory evidence of insurability (as determined by the City's insurance broker) shall apply.

9. In the event of the death of an employee, the employee's dependents, as defined by the City's group insurance program, shall be eligible for participation in the City's group insurance program by reimbursing the City for fifty percent (50%) of the applicable premium cost. Eligibility for participation shall end if 1) the employee's spouse remarries; or 2) if the dependents are eligible for group insurance coverage through another plan.

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10. Retired employees who are covered by other insurance, either through a subsequent employer or a spouse's employer, may maintain City insurance coverage to be coordinated as secondary coverage to the active employer's insurance.

11. The City acknowledges that it currently maintains collective bargaining agreements with the International Association of Firefighters (IAFF), the American Federation of State, County and Municipal Employees (AFSCME), and the Fraternal Order of Police (FOP). For any City employee who currently or prospectively receives benefits under the terms of this Section 3.45 and who previously received benefits under the terms of a collective bargaining agreement between any employee group and the City, such employee shall be entitled to post-retirement health care benefits as follows. Within thirty days after the latest to occur of a collective bargaining employee (whether IAFF, AFSCME or FOP) becoming a management employee by: 1) being hired or appointed to a permanent (i.e. non-interim) management position; 2) successfully completing any applicable probationary period for a non-interim management position; or, 3) completing an interim hiring or appointment position and becoming the permanent (i.e. non-interim) hiree or appointee to a management position, such employee shall notify the City, in writing, of ~~his~~the election as to what post-retirement health insurance benefits he wishes to receive (whether the benefits contemplated by the collective bargaining agreement he used to be covered under, or the benefits contemplated by the provisions of Section 3.45). At such time, the City and the affected employee shall enter into an individual agreement documenting the employee's election and establishing that employee's post-retirement health insurance benefits (and eligibility for contribution or match for 457 or PEHP plans during employment). In the event the employee fails to make an election within the above-described thirty-day period, such employee shall default to coverage under the Chapter 3 plan, as outlined in Subsection 11(b) below.

A. If the affected employee elects to retain the post-retirement benefits then afforded under the collective bargaining agreement that he used to be employed under, such benefits shall be specified and carried forward for the affected employee, unless and until such individual agreement is modified by agreement of the City and the affected employee, without regard to the subsequent changes, if any, in the collective bargaining agreement. To determine such an employee's eligibility for post-retirement health benefits under the collective bargaining agreement, the City shall utilize the language of whatever document is binding on the employee immediately prior to conversion to a Chapter 3 employee (i.e. the terms of the then-current collective bargaining agreement, unless superseded by an individual agreement for post-retirement insurance benefits), and shall calculate the benefit due using the employee's accumulated years of service, age, and other eligibility criteria at the date of retirement (as if the employee had remained under the terms of the applicable portion of the collective bargaining agreement). *The provisions of this subsection 11(a) only apply to post-retirement related health benefits (i.e. post-retirement health insurance subsidies or contributions, and during employment or post-retirement 457 or PEHP contributions or matches, if any), and do not apply to any other benefits, compensation or collective bargaining agreement terms or entitlements, whatsoever. The provisions of this subsection 11(a) do not create the right or ability to invoke any grievance resolution provisions contemplated by any collective bargaining agreement.*

B. If the affected employee elects to obtain the benefits afforded under this Section 3.45, the employee shall receive post-retirement health care benefits within the same tier of employment that the employee enjoyed while working in a collective bargaining unit, and such benefits shall be specified and carried forward for the affected employee, unless and until such individual agreement is modified by agreement of the City and the affected employee, without regard to the subsequent changes, if any, in the language of this Section 3.45. For example, a fire department employee who enjoyed Tier 1 status under the then-current collective bargaining agreement between the City and the union representing fire department personnel would, upon becoming a Chapter 3 employee of the City and electing to receive Chapter 3 post-retirement health care benefits, remain at Tier 1, and would receive benefits under this Section 3.45 as a Tier 1 employee. Employees shall be grouped into tiers as follows:

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Chapter 3 Employee Benefit Level	Equivalent IAFF Employee Benefit Level	Equivalent AFSCME Employee Benefit Level	Equivalent FOP Employee Benefit Level
Tier 1	Employees hired prior to 3/1/86	N/A	<u>Employees hired prior to 3/1/86</u>
Tier 2	Employees hired on or after 3/1/86, and before 7/1/01	Employees hired prior to 1/1/91 with 20 or more years of service	<u>Employees hired on or after 3/1/86, and before 7/1/01</u>
Tier 3	Employees hired on or after 7/1/01 and before 7/1/11	Employees hired on or after 1/1/91 and before 1/1/12	<u>Employees hired on or after 7/1/01 and before 7/1/11</u>
Tier 4	Employees hired on or after 7/1/11	Employees hired on or after 1/1/12	<u>Employees hired on or after 7/1/11</u>

~~The City acknowledges that, at the time of approval of this Amended Ordinance, the dates to be applied within the FOP tiers are as of yet unknown. Accordingly, following the approval of a collective bargaining agreement or issuance of an arbitration decision with FOP that defines post retiree health care benefits, the City Manager shall be authorized and directed to complete the above provided table by including the date ranges for each tier of benefit within the FOP agreement. During the interim prior to such an updated collective bargaining agreement / arbitration decision, should any FOP employee convert to being a Chapter 3 employee, said employee shall be eligible for post retiree health care in a tier as agreed to between said employee and the City Manager, who shall be authorized and directed to determine the appropriate tier, and document the same with a written agreement.~~

n) IMRF. Employees shall receive the benefits of the "Illinois Municipal Retirement Fund" and shall make the necessary employee contribution unless eligible for benefits under a police or fire pension plan, in which case the employee shall have an option to choose one plan.

o) Severance Pay. An employee leaving the service of the City involuntarily due to layoff or elimination of a position shall receive one (1) week's pay as severance pay. An employee so laid off or whose position has been eliminated after having completed two (2) or more years consecutive service shall receive two (2) week's pay as severance pay or as may be agreed upon by the City Manager. (04-46)

p) Work Schedule. The normal work week is Monday through Friday. Normal scheduled work days are 7 ½ hours or 8 hours, depending on the department. Normal scheduled work weeks are 37 ½ hours or 40 hours, depending on the department. Employees shall not receive any direct overtime pay. Employees shall work any additional hours necessary to carry out duties or as required by the department head or City Manager.

q) Compensatory Time and Compensatory Paid Leave. (92-103, 94-84, 05-76)

1. Employees covered by Chapter 3 of the DeKalb Municipal Code shall not be entitled to overtime

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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.

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. (14-02)

3. Hours worked in excess of the regularly scheduled 37.5 or 40 hour work week shall be counted as one compensatory time hour per one hour worked.

4. Employees scheduled to work 37.5 hours per week may take up to 75 hours of compensatory paid leave per fiscal year. Employees scheduled to work 40 hours per week may take up to 80 hours of compensatory paid leave per fiscal year.

5. Compensatory time may be taken in conjunction with vacation leave with the approval of the Department Head or City Manager where appropriate.

6. Compensatory paid leave may only be taken in increments of one-half work day or more. Leaves of a shorter duration may be granted, but will not be listed on payroll records as compensatory paid leave used.

7. There will be no monetary reimbursement for compensatory time other than as set forth in these provisions.

8. The accumulation of compensatory time shall start January 1<sup>st</sup> of each year. At the end of each calendar year, all compensatory time balances unused for the year just ending will be added to hours banked for maximum accumulation.

9. At the end of each calendar year, all remaining compensatory time balances in excess of 75 hours shall be allowed to accumulate from year to year up to a maximum of 60 days, but all hours accrued in this manner shall not be available for use by the employee except as provided in paragraph 10 below.

10. In the event of retirement, resignation in good standing, or death; employees or their estates shall be compensated at the rate of pay at the time of separation for unused compensatory time up to the maximum 60 days as follows:

<u>Years of Service</u>	<u>Percent of Reimbursable Accumulated Compensatory Time</u>
0-1	0%
1-2	10%
2-3	20%
3-4	30%
4-5	40%
5-6	50%
6-7	60%
7-8	70%
8-9	80%
9-10	90%
Over 10	100%

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11. Employees may request a one (1) time buyout of all or a portion of their accumulated compensatory leave, up to a maximum of sixty (60) days, prior to the time of retirement. Such buyout shall be paid at the then-current rate of pay for that employee. Only one (1) buyout payment shall be permitted to be made prior to the employee's retirement. (06-57)

r) Other Leave.

1. Any employee required to serve on jury duty will receive the difference between regular pay and jury pay.

2. Employees may be granted up to five (5) days leave of absence with pay in the event of the death of an employee's grandparent, father, mother, brother, sister, spouse, child, step-child, or grandchild and up to three (3) paid days for spouse's grandparent, father, mother, brother, or sister. Two (2) days for others, or an additional two (2) days may be granted by the City Manager when extensive travel and/or other circumstances warrant. (04-55)

s) Mileage Allowance. Should an employee be required to provide his/her own transportation in order to accomplish the duties of his/her job, he/she shall receive reimbursement at the current Internal Revenue Service mileage rate. (93-51, 97-95)

t) Education Tuition Reimbursement. (05-76)

1. Tuition reimbursement is offered to encourage management employees to improve job-related skills and abilities, increase their value to the City and to assist them in preparing for future advancement with the City.

2. The tuition reimbursement program does not include special seminars, workshops or "short courses" of a few day's duration which are considered on an individual and/or departmental basis as in-service training and are budgeted for accordingly.

3. The tuition reimbursement program is intended for courses offered by an accredited college or university which are directly related to an employee's current or prospective job duties or are part of a degree program directly related to an employee's current or prospective job duties.

4. Application for tuition reimbursement may be made by any full-time management employee who has completed his/her probationary period. Applications will not be considered if the employee is eligible for or receiving funds for the same course from any other source.

5. Applications are to be submitted for approval by the department director and City Manager in advance of beginning the course on forms provided by the City Manager's office to all departments.

6. Reimbursement shall be limited to an amount equal to six credit hours per semester at Northern Illinois University. This amount shall be determined on the first day of each calendar year and shall remain in effect for that calendar year. (97-95)

7. Reimbursement for tuition and required text books shall be according to the following schedule:

(a) 100% tuition and lab fee reimbursement and 50% reimbursement for required text books up to the fiscal year maximum for courses completed with a grade of "C" or better, or numerical equivalent;

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(b) 50% tuition and lab fee reimbursement and 50% reimbursement for required text books up to the fiscal year maximum for courses completed with a "satisfactory" or "passing" grade under a "pass/fail" option.

(c) 0% tuition and lab fee reimbursement and 0% reimbursement for required text books for courses not completed or completed with a grade less than "C" or its numerical equivalent or "unsatisfactory" or "failing" under a "pass/fail" option.

8. In order to receive tuition and lab fee reimbursement, employees must submit an official school transcript or an official grade card showing the course, the grade and the tuition cost. In order to receive reimbursement for required text books, employees must show proof of books required and receipt for purchase.

9. Other expenses such as student fee, lab fees, parking, mileage, etc. are not eligible for reimbursement.

10. Employees are encouraged to schedule classes during non-regular work hours. Hours in classes attended during non-regular work hours shall not be counted as hours worked or credited toward compensatory time or leave. Attendance of a class during regular work hours requires the prior approval of the department head and City Manager. Hours in classes attended during regular work hours shall be counted as hours worked.

11. The City Manager will budget funds each year for the tuition reimbursement program. The amount budgeted shall be the limit of funds available during the fiscal year. Priority of applications shall be governed by the time and date completed applications are received by the City Manager. The City Manager has authority to reduce the amount of funds available during a fiscal year for this program at any time.

u) Promotion Policy

1. There is hereby established a procedure for providing internal promotion opportunities to positions established as management, administrative or confidential pursuant to City ordinance or collective bargaining agreements. The following positions are not covered by this policy: (90-12, 04-46)

City Manager - City Clerk - Deputy City Clerk

2. The City shall establish a set of minimum requirements for each position covered under this policy. These minimum requirements shall be included in job descriptions for each position and shall be maintained up to date and current. Such requirements may include, but are not limited to, the following: years of pertinent experience, level of education, technical skills, certifications and performance on any required tests or examinations. (04-46)

3. In the event that a vacancy occurs, or a new position is created, a notice of the vacancy and a copy of the job description shall be posted in employee areas. Any employee meeting the minimum requirements shall be entitled to apply for the position within a fourteen (14) day period from the date the notice is established. (04-46, 04-55)

4. Applications from employees shall be in the form as provided by the Human Resources Director and are to be submitted to the Human Resources Director. The Human Resources Director, in conjunction with the immediate supervisor and the department head of the vacant position, shall review each application to determine if the minimum requirements have been met, and shall advise each applicant of his/her status. (04-46)

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5. Any employee meeting the minimum requirements for the vacant position shall be scheduled for an interview with the selection team established by the City Manager for the position. (04-46)

6. Selection of an employee for a promotion shall be based upon several factors, including, but not limited to, the following: level of qualifications above the minimum requirements, results of performance evaluations, recommendation of the employee's current immediate supervisor, managerial/ administrative ability, supervisor ability and the overall assessment of the selection team regarding ability to perform required duties and responsibilities of the new position. (04-46)

7. Final decisions regarding a promotion shall be made by the City Manager. (04-46)

8. In the event that an employee is promoted, the employee's new salary and benefits shall be as established by the City Manager, subject to City ordinances and City Council authorization. (04-46)

9. The City reserves the right, after having followed the procedure established herein, not to fill the vacancy by promotion and to proceed with the next steps in the recruitment process, which include formal advertisement, acceptance of applications, testing, interviews and selection. Any employee is entitled to participate in this next phase in the selection process. (04-46)

10. To facilitate promotional opportunities and encourage employees to qualify for promotional opportunities, the City shall make efforts to assist employees to meet minimum requirements and shall establish a system of at least annual employee performance evaluations. (04-46)

11. The City Manager may modify this promotion policy in the event of unusual circumstances regarding a particular promotion provided that any such modifications are consistent with the intent of this policy to provide for equal opportunity and fair competition for any promotion opportunity. (88-92, 96-89, 04-46)

**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. (98-107, 04-20)

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. (98-107, 04-20, 04-46)

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): (98-107, 01-30, 04-46, 05-06, 10-38, 12-52)

Deputy Fire Chief (12-71)  
Assistant Fire Chief  
Deputy Chief of Police (12-71)  
Police Commander (12-71)  
Police Lieutenant

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Communications Coordinator  
Information & Technology Director (04-20)  
Assistant Director of Public Works (04-20)  
Chief Building Inspector (05-06) (10-38)  
Chief Property Maintenance Inspector (05-06) (10-38)  
Operations/Maintenance Section Manager (10-38)

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. (98-107, 04-46)

e) If appropriate, new positions will be identified as an emergency response positions at the time of creation. (98-107, 04-46)

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. (90-12, 97-95, 04-55, 11-02)

g) Residency requirements for City Manager shall be as required by the applicable employment agreement. (14-02)