

ORDINANCE NO. O-2022-34

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS, COMMISSIONS AND COMMITTEES)

WHEREAS, the City of Wheaton ("City") is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6 of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

WHEREAS, the Mayor and City Council find that it is in the best interest of its residents to review and revise the structure, responsibilities and duties of the City Boards, Commissions and Committees; and

WHEREAS, the Mayor and City Council and City Staff have carefully evaluated the City Code and believe certain amendments are appropriate.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois by its home rule authority, that the Wheaton City Code, Chapter 2 "Administration", Article V "Boards, Commissions and Committees" is hereby amended to provide as follows:

SECTION 1: That Chapter 2 (Administration) Article V (Boards, Commissions and Committees) is hereby repealed and rescinded in its entirety and replaced with a new Article V which shall read as follows:

ARTICLE V. BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 1. GENERALLY

Sec. 2-256. Creation.

The boards, commissions and committees specified in this article are hereby created. The city council may by ordinance or resolution create such other boards, commissions, and committees, not inconsistent with law, as it may from time to time deem advisable.

The following provisions are precedent except as otherwise provided by this code or by law.

Sec. 2-257. Appointment of members; term of office; compensation.

Board, commission or committee members shall be appointed by the mayor with the approval of the city council for three-year terms, unless otherwise approved by the mayor and city

council. The members of all boards, commissions and committees shall serve without compensation.

If any board, commission or committee member is absent from three (3) consecutive regular meetings or from four (4) meetings within six (6) month period in a calendar year, the City Council may consider that the position be considered vacated, and a replacement appointed. Written notification shall be provided by the chairperson to the City Clerk of any vacancy created for this reason.

Upon a majority vote, the board, commission or committee may recommend to the City Council the removal of a member for good cause.

Sec. 2-258. Organization; officers; use of city staff; adoption of bylaws.

Each board, commission or committee shall elect a chairperson and such other officers as it may deem appropriate on an annual basis. Such election shall take place at the first regularly scheduled meeting of each board, commission or committee following January 1 of each calendar year. The chairperson shall serve for a term of one year or until their successor is elected. The chairperson shall serve in the same capacity for no more than five consecutive one-year terms, unless otherwise approved by the City Council.

- (a) The chairperson shall coordinate with the city clerk on meeting agendas, meeting dates, and other logistical issues, serve as the presiding officer, facilitate public meetings, and sign official minutes of the board, commission, or committee.
- (b) A board, commission, or committee may request staff assistance; however, the city manager must approve all requests which create a demand for a work product. Use of City Staff - board, commission or committee members do not have authority over the work program of city staff and may not direct city staff in performance of board, commission, or committee related activities, nor assign projects or direct the work of staff.
- (c) Each board, commission or committee may adopt bylaws governing its procedures and regulating its business. Bylaws and/or amendments thereto shall be approved by the city council.

Sec. 2-259. Meetings; quorum established; official minutes.

Board, commission or committees shall meet regularly as determined by the board, commission, or committee. All meetings shall be public, and agenda posted in accordance with the Open Meeting Act. Notices of meetings will include time, place, and agenda of the business to be transacted.

- (a) Except as otherwise provided by law, a majority of the appointed members that are present of each board, commission or committee shall constitute a quorum, and the act of a majority of the members at any meeting at which a quorum is present shall constitute the act of the board, commission, or committee. A member shall be disqualified and abstain for voting whenever a member has or may have a conflict of interest in the action under consideration.

(b) Each board, commission or committee shall keep official minutes of its proceedings. The minutes shall reflect the vote of all members on any question before the board, commission, or committee. The official minutes shall include the date/time/place, members present or absent, a general discussion of the matters discussed, and an accurate description of any action(s) taken. The City Clerk shall retain the official minutes as a permanent record.

Sec. 2-260. Order of business.

The rules of parliamentary practice comprised in Roberts Rules of Order, latest edition, shall govern the board, commission, or committee in matters when applicable.

Section 2-261. Financial/budget; donations.

(a) By October 15 each year, or as soon thereafter as reasonably possible, the board, commission, or committee shall propose, a budget of their proposed revenues and expenditures for the next fiscal year. All proposed expenditures shall be budgeted and each item, whether same shall be for a fixed charge or due under contract for supplies or equipment, shall be stated. This budget shall be filed with the city manager and thereafter submitted to the city council and considered by it as part of the overall city budget.

(b) Every board, commission, or committee identified in this article is authorized on behalf of the City of Wheaton to solicit donations to support the purposes as set forth by this article. Efforts to seek donations shall identify the solicitation is being conducted by a board, commission, or committee in the name of the City of Wheaton. Such donations shall be made to "the City of Wheaton". Any solicitation of donations shall include an accurate description of the purpose for which the donation shall be applied.

The finance director shall record that the donation is being made to the City of Wheaton solely for the purposes of the board, commission, or committee.

The city council retains the authority to reject donations which are not for the designated purposes as set forth by this article. The finance director shall segregate donations in such a manner that they can be audited. Payment from donations received shall be made upon review of the City Manager who, after preliminary approval, shall place the payment on the warrant under the category of "board, commission, or committee payment" which shall then be submitted to the city council for approval.

This sub section 2-261 (b) does not apply to the following boards, commissions, or committees: Board of Fire and Police Commissioners, Library Board, Board of Local Improvements, Planning and Zoning Board, Downtown Design Review Board, Local Liquor Commission, Tobacco Commission, Foreign Fire Insurance Tax Board, and Pension Boards.

Sec. 2-262. Removal of members; vacancies.

Any member of any board, commission or committee may be removed by the city council with or without cause in the same manner in which the member was appointed. Vacancies may be filled in the same manner by the city council as in the case of original appointments.

Sec. 2-263. Other duties.

Each city board, commission or committee shall perform such other duties or services as the city council may request.

Sec. 2-264. Nonpolitical status.

- (a) No board, commission or committee, or individual member may take or allow action which gives the appearance of official city involvement with any political aim.
- (b) Individual members may not use the titles of "chair," "vice-chair," "board member," the title of their board, commission or committee, or member title for identification purposes on any endorsement.
- (c) In carrying out duties on behalf of a board, commission, or committee members shall not act as an agent of or for any public or private company or organization other than the City of Wheaton.

Sec. 2-265. Annual report.

Each board, commission or committee shall submit an annual report on its activities to the city council. The report shall cover the city's fiscal year and shall be submitted to the city council no later than October 15 of each year to be presented as part of annual budget review process. The report shall include a summary of the actions, including the effectiveness of those actions, of the board, commission or committee carrying out the purpose of each board, commission, or committee as set forth in said board, commission, or committee 's purpose section; and a description of actions proposed for the upcoming fiscal year which shall be approved by the city council.

Secs. 2-266—2-276. Reserved.**DIVISION 2. COMMISSION ON AGING****Sec. 2-277. Composition.**

The Commission on Aging shall consist of no less than seven (7) and no more than eleven (11) members.

Sec. 2-278. Purpose.

In addition to providing services to seniors in the community, the Commission on Aging is encouraged, where appropriate, to utilize and involve the families, friends and neighbors of the seniors being served. The Commission on Aging shall:

- (1) Administer a senior assistance program with funds annually budgeted by the city council. The program will be administered according to the rules and guidelines established by the Commission on Aging and reviewed and updated by the commission and presented to the city council on an annual basis. The commission shall advise the

city council prior to the annual budget meeting of its expected needs to administer this program for the upcoming fiscal year; and

- (2) Develop a resource file of services available to seniors, answering inquiries from, or on behalf of seniors and other residents on senior issues, make referrals and to follow up on referrals, and publicize programs or specialized services available for seniors; and
- (3) Provide advocacy services to seniors, particularly those who are isolated or ill, advocate services for the rights of the aging population, promote active participation of seniors in programs addressing the needs and rights of the aging population, and consider financial problems of the aging population; and
- (4) Study and evaluate the needs of all seniors, including those who are isolated, analyze existing services in relationship to these needs, and recommend to service providers additions, changes or deletions in services; and
- (5) Coordinate services for seniors provided by Federal, State, regional, local agencies and, in addition, to cooperate with City departments, provide consultation and assistance to community groups developing or delivering services for seniors, and develop cooperative relationship with long-term care facilities including, but not be limited to, residents, owners, managers, and administrators; and
- (6) Promote community education and disseminate information regarding the problems, needs and status of seniors, and educate the community about the various phases of the aging process.

Sec. 2-279. Meetings.

The Commission on Aging shall meet no less than six (6) times per year at a date and time to be determined by the commission. The commission may further meet at such dates and times as it may designate.

Secs. 2-280—2-281. Reserved.

DIVISION 3. BAND COMMISSION

Sec. 2-282. Composition.

The Band Commission shall consist of no less than five (5) and no more than seven (7) members.

Sec. 2-283. Purpose.

The purpose of the Band Commission shall be to:

- (1) Promote music through free live band concerts and to furnish equivalent musical service upon occasions of importance.

(2) The Band Commission shall have charge of the Wheaton Municipal Band and all expenditures therefor, subject to annual approval of the city council.

Sec. 2-284. Appointment of band members.

All members of the Wheaton Municipal Band shall be appointed by the Band Commission. All members of the Wheaton Municipal Band are independent contractors, and specifically are not employees of the city.

Sec. 2-285. – Meetings.

The Band Commission shall meet no less than twice per year at a date and time to be determined by the commission. The commission may further meet at such dates and times as it may designate.

Secs. 2-286—2-287. Reserved.

DIVISION 4. BICYCLIST AND PEDESTRIAN COMMISSION

Sec. 2-288. Composition.

The Bicyclist and Pedestrian Commission shall consist of no less than seven (7) and no more than thirteen (13) members.

Sec. 2-289. Purpose.

The purpose of the Bicyclist and Pedestrian Commission shall be to:

- (1) Provide advice and recommend strategies to the city council to encourage and foster bicycling and pedestrian opportunities, and to consider access issues in the city; and
- (2) Promote bicyclist and pedestrian education programs in the school systems and disseminate safety information to the public at large; and
- (3) Review and make recommendations regarding implementation of the Wheaton Bicycle Plan, dated September 2011, as amended; and
- (4) Establish and maintain communications with those agencies, individuals and organizations within the city that advocate bicycling and walking and promote the sharing of resources among them.

Sec. 2-290. – Meetings.

The Bicyclist and Pedestrian Commission shall meet no less than six (6) times per year at a date and time to be determined by the commission. The commission may further meet at such dates and times as it may designate.

Secs. 2-291—2-292. Reserved.

DIVISION 5. COMMUNITY RELATIONS COMMISSION

Sec. 2-293. Composition.

The Community Relations Commission shall consist of no less than seven (7) and no more than thirteen (13) members.

Sec. 2-294. Purpose.

The Community Relations Commission shall endeavor to foster and promote understanding, mutual respect, cooperation, and positive relations in a diverse inclusive community. The Community Relations Commission shall also endeavor to promote increased participation in all aspects of community life and a sense of shared community among all residents. The Community Relations Commission shall also endeavor to:

- (1) Develop better relationships among all residents in a diverse and inclusive community of Wheaton; and
- (2) Encourage and recognize residents to be service-oriented in the opportunities to assist one another in the community and the neighborhood; and
- (3) Promote and support initiatives with federal, state and local governmental agencies, commissions, businesses, schools, civic and religious organizations, neighborhood and community events aimed at increasing goodwill and civil engagement among the residents and the global community at large; and
- (4) Recognize and approve, honors or awards for persons, firms, or entities that serve or advance understanding, mutual respect, cooperation, and positive relations between and among residents; and
- (5) Identify for the city council programs or projects which will enhance relationships between city government and its residents; and
- (6) Conduct and promote such educational and other programs as may be necessary to carry out the functions of the commission; and
- (7) Encourage communications and awareness between the people of this city and its sister cities. The commission shall also foster, encourage and direct such further action as shall be necessary to develop activities and programs towards those ends.

Sec. 2-295. – Meetings.

The Community Relations Commission shall meet no less than six (6) times a year at a date and time to be determined by the commission. The commission may further meet at such dates and times as it may designate.

Secs. 2-296—2-297. Reserved.

DIVISION 6. DOWNTOWN DESIGN REVIEW BOARD

Sec. 2-298. Composition.

The Downtown Design Review Board shall be made up of the following seven (7) members:

- (1) Two (2) Downtown Wheaton business representatives.
- (2) One (1) Downtown Manager.
- (3) One (1) City Manager's designee.
- (4) Two (2) architects, landscape architects, urban planners, or other professionals with design expertise.
- (5) One (1) member of the Historic Commission.

Sec. 2-299. Purpose.

The Downtown Design Review Board shall:

Review and make decisions on design review applications for proposals within the Downtown Design Review Overlay District that meet the requirements of Section 5.12 of the Zoning Ordinance. A copy of every decision shall be filed immediately with the Director of Planning & Economic Development and shall be a public record.

Sec. 2-300. – Meetings.

All meetings of the Downtown Design Review Board shall be held at the call of the chair and at such other times as the Board may determine necessary.

Secs. 2-301—2-302. Reserved.

DIVISION 7. ENVIRONMENTAL IMPROVEMENT COMMISSION

Sec. 2-303. Composition.

The Environmental Improvement Commission shall consist of no less than seven (7) and no more than thirteen (13) members.

Sec. 2-304. Purpose.

The purpose of the Environmental Improvement Commission shall be to:

- (1) Study and advise the city council on local sustainable initiatives which are fiscally responsible, enhance economic vitality promote lifecycle fiscal responsibility both in the short and long term, enhance environmental vitality and/or improve on public health; and

- (2) Educate and actively engage the Wheaton community regarding the benefits of living environmentally and sustainably and to act locally and think globally; and
- (3) Locally facilitate national, state and local programs which affect local awareness of environmental and promote native bio-diverse beautification of the natural environment related issues, including programs that encourage the public to develop environmental measures that reduce the consumption of energy and fossil fuels, conserve water, reduce hazardous, solid and compostable waste, reduce air pollution emissions, and reduce the consumption and disposal difficult to recycle plastics; and
- (4) Disseminate environmental and sustainable information and resources; and
- (5) Sponsor an annual celebration of Earth Day and Arbor Day with associated environmental events; and
- (6) Create partnerships with interested parties to help achieve mutually beneficial sustainability goals.

Sec. 2-305. – Meetings.

The Environmental Improvement Commission shall meet no less than six (6) times a year at a date and time to be determined by the commission. The commission may further meet at such dates and times as it may designate.

Secs. 2-306—2-307. Reserved.

DIVISION 8. FINE AND CULTURAL ARTS COMMISSION

Sec. 2-308. Composition.

The Fine and Cultural Arts Commission shall consist of no less than seven (7) but no more than eleven (11) members.

Sec. 2-309. Purpose.

The purpose of the Fine and Cultural Arts Commission shall be to:

- (1) Increase citizen access to the arts by providing leadership, advocacy, and the support for art that enriches the cultural vitality of our community; and
- (2) Provide advice and work cooperatively with the city council to promote fine and cultural arts in the city; and
- (3) Foster and promote an appreciation of fine arts within the city by enlisting and encouraging public and private agencies, as well as the general public, to support art and cultural events within the city; and

(4) At the request of the city council, review and make recommendations directly to the city council for art works for public buildings and public spaces; and

(5) Assist in creating and maintaining a city-wide arts and culture webpage on the city website that includes links to art related organizations and individuals who advance art in the city.

Sec. 2-310. Meetings.

The Fine and Cultural Arts Commission shall meet no less than six scheduled times per year at a date and time to be determined by the commission. The commission may further meet at such dates and times as it may designate.

Secs. 2-311—2-312. Reserved.

DIVISION 9. BOARD OF FIRE AND POLICE COMMISSIONERS

Sec. 2-313. Composition.

The Board of Fire and Police Commissioners shall consist of five (5) members and such members may belong to the same political party. No commissioner shall be required to post a fidelity bond.

Sec. 2-314. Powers and duties.

The Board of Fire and Police Commissioners shall have the powers and responsibilities conferred upon it pursuant to the Illinois Municipal Code (65 ILCS 5/10-2.1-1 et seq.) and further conferred upon it by law. To the extent allowed by a collective bargaining agreement or state statute the Board of Fire and Police Commissioners may demote any firefighter or police officer one rank and/or grade in pay from the rank and pay possessed by the firefighter or police officer at the time written charges were filed against him. The reduction in rank shall be indefinite; and the reduction in pay grade shall be for a specific period of time from the date of the ruling of the board.

Sec. 2-315. Rules and regulations adopted.

The Board of Fire and Police Commissioners shall adopt, enforce, administer, and amend rules and regulations which are consistent with governing state and federal law and which are not in conflict with this code, except as may be approved by the city council, acting within its home rule authority. The rules and regulations shall be approved by the city council copies of which are on file in the office of the city clerk and are incorporated into this division by this reference as though fully set forth therein.

Secs. 2-316—2-317. Reserved.

DIVISION 10. FOREIGN FIRE INSURANCE TAX BOARD

Sec. 2-318. Composition.

The Foreign Fire Insurance Tax Board shall be composed of seven (7) trustees, the fire chief, who shall hold office by virtue of rank, and six members who shall be elected at large by the sworn members of the fire department. If there is an insufficient number of candidates to fill these positions, the number of trustees may be reduced, but not fewer than three trustees.

Sec. 2-319. Powers and duties.

As provided for by Chapter 30, Article V, Foreign Fire Insurance Tax Board, of this code, or as otherwise modified pursuant to the home rule ordinances of the city, the Foreign Fire Insurance Tax Board shall have the powers and responsibilities conferred upon it by law.

Sec. 2-320. Repealer.

This division shall be repealed effective January 1, 2023.

Secs. 2-321. Reserved.

DIVISION 11. HISTORIC COMMISSION

Sec. 2-322. Composition.

The Historic Commission shall consist of no less than seven (7) and no more than nine (9) members.

Sec. 2-323. Purpose.

The purpose of the Historic Commission shall be to:

- (1) Promote awareness of the city's history and appreciation for the city's heritage among the citizens of the city; and
- (2) Preserve and record the history of the city through appropriate and feasible means, including the promotion of Preservation Week and recognition of historic landmarks; and
- (3) Provide liaison between the city and groups involved in historic preservation; and
- (4) Recommend to the city council appropriate historic programs and projects; and
- (5) Inform and educate the citizens of Wheaton concerning the historic and architectural heritage of the city by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars; and

(6) Offer opportunity for property owners, owner initiated, to have their properties recognized and identified as historically and architecturally significant properties, structures, and areas.

Sec. 2-324. Meetings.

The Historic Commission shall meet no less than six scheduled times per year at a date and time to be determined by the commission. The commission may further meet at such dates and times as it may designate.

Secs. 2-325—2-326. Reserved.**DIVISION 12. LIBRARY BOARD****Sec. 2-327. Composition.**

The Library Board shall consist of nine directors. Not more than one director may be a member of the city council at any one time.

State law reference(s)—Library boards generally, 75 ILCS 5/4-1 et seq.

Sec. 2-328. Powers and duties.

Except as otherwise modified pursuant to the home rule ordinances of the city, the Library Board shall have the powers and responsibilities conferred upon it by law as provided in and not inconsistent with the Illinois Local Library Act, 75 ILCS 5/1-0.1 et seq. as the same has been or may be amended from time to time.

Secs. 2-329—2-330. Reserved.**DIVISION 13. BOARD OF LOCAL IMPROVEMENTS****Sec. 2-331. Composition.**

The Board of Local Improvements shall consist of five (5) members; each member shall hold office for a four-year term. Members of the board may be appointed from persons holding other offices or positions in the government of the city, including, but not limited to, the city council.

State law reference(s)—Similar provisions, 65 ILCS 5/6-4-11.

Sec. 2-332. Powers and duties; incorporation of state law.

The terms and provisions of division 2 of article 9, pertaining to local improvements, local improvement procedures restricted to certain municipalities, of the Illinois Municipal Code (65 ILCS 5/9-2-1 et seq.), are incorporated into this Code by this reference as though fully set forth

herein. The Board of Local Improvements shall have the powers and responsibilities conferred upon it by law.

Secs. 2-333—2-334. Reserved.

DIVISION 14. LOCAL LIQUOR COMMISSION

Sec. 2-335. Composition.

The Local Liquor Commission shall consist of five (5) members appointed by the mayor, with the approval of the city council.

Sec. 2-336. Powers and duties.

As provided for by Chapter 6 Division 2, Local Liquor Commission, of this code, or as otherwise modified pursuant to the home rule ordinances of the city, the Local Liquor Commission Board shall have the powers and responsibilities conferred upon it by law.

Secs. 2-337—2-338. Reserved.

DIVISION 15. PENSION PLAN BOARDS

Sec. 2-339. Firefighters' Pension Fund Board; composition.

The Firefighters' Pension Fund Board shall consist of two (2) members appointed by the mayor with approval of the city council, two (2) members shall be chosen from the active firefighters of the City, and one other person who shall be chosen from the retired firefighters as provided by statute. The members of the Board selected from the active and retired firefighters shall be elected at the time and in the manner provided by statute. The Board exists for the purpose of managing the pension fund as provided by law.

Sec. 2-340. Firefighters' Pension Fund; duties.

The Firefighters' Pension Fund Board shall have control of the management of all funds belonging to or designated by law as part of the Firefighters' Pension Fund and of the administration of such funds in a manner provided by statute.

Sec. 2-341. Police Officer Pension Fund Board; composition.

The Police Officer Pension Fund Board shall consist of five (5) members. Two (2) of the members shall be appointed by the mayor with approval of the city council, two (2) shall be elected from the active police force of the City, and one shall be elected from the beneficiaries

of the pension fund as provided by law. The Police Officer Pension Board exists for the purpose of managing the pension fund as provided by law.

Sec. 2-342. Police Officer Pension Fund; duties.

The Police Officer Pension Fund Board shall have control of the management of all funds belonging to or designated by law as part of the police officer pension fund and of the administration of such funds in a manner provided by statute.

Secs. 2-343—2-344. Reserved.

DIVISION 16. PLANNING AND ZONING BOARD

Sec. 2-345. Composition; appointment of members.

The Planning and Zoning Board shall consist of seven (7) members. The chair shall be appointed by the mayor with approval of the city council for a five-year term with a consecutive five-year term at the discretion of the mayor and city council.

Sec. 2-346. Powers and duties.

Planning and Zoning Board shall have the powers and responsibilities conferred upon such board by law, this Code, the city zoning ordinance, or as may be assigned to it by the council.

Secs. 2-347—2-348. Reserved.

DIVISION 17. TOBACCO COMMISSION

Sec. 2-349. Composition.

The Tobacco Commission shall be composed of the same five (5) members of the city's Local Liquor Commission.

Sec. 2-350. Powers and duties.

As provided for by Chapter 26, Article V, Tobacco, of this code, or as otherwise modified pursuant to the home rule ordinances of the city, the Tobacco Commission Board shall have the powers and responsibilities conferred upon it by law.

Secs. 2-351—2-480. Reserved.

SECTION 2: In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

SECTION 4: In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet from in the manner prescribed by law.



Philip J. Suess

Mayor

ATTEST:



Andrea Rosedale

City Clerk

Roll Call Vote:

Ayes: Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker

Nays: None

Absent: None

Motion Carried Unanimously

Passed: August 15, 2022

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