



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4b

Title:

Recommend Approval of the Ordinance Amending Title 2  
“Administration and Personnel,” Chapter 2.24 “Board of  
Fire and Police Commissioners”

Presenter:

Fire Chief Joe Schelstreet

Meeting: Government Operations Committee

Date: July 17, 2017

Proposed Cost: \$0

Budgeted Amount: \$0

Not Budgeted:

**Executive Summary** *(if not budgeted please explain):*

Title 2, Chapter 2.24.030 of the City of St. Charles Municipal Code is being updated to reflect the current requirements for becoming a member of the Board of Fire and Police Commissioners. A question was brought regarding a potential conflict between the previous ordinance and State Statute regarding political affiliation of Board of Fire and Police Commission Members. Legal counsel has reviewed the concern and recommended that the language be changed to indicate that the City has Home Rule Authority and can supersede the State Statute.

**Attachments** *(please list):* Ordinance updating Chapter 2.24.030 of the Municipal Code

**Recommendation/Suggested Action** *(briefly explain):* Recommend approval of the ordinance amending Title 2 Chapter 2.24 Board of Fire and Police Commissioners

**ORDINANCE NO. \_\_\_\_\_**

**CITY OF ST. CHARLES, ILLINOIS  
AN ORDINANCE AMENDING TITLE 2, CHAPTER 24 (FIRE AND POLICE  
COMMISSIONERS) OF THE ST. CHARLES MUNICIPAL CODE**

**WHEREAS**, the City of St. Charles (the "City") is a home rule municipality duly organized and existing pursuant to the Illinois Constitution of 1970 and the laws of the State of Illinois; and,

**WHEREAS**, the City has provided for a Board of Fire and Police Commissioners pursuant to the City's statutory and home rule authorities; and,

**WHEREAS**, the City finds that it is necessary and desirable to clarify the qualifications necessary to become a member of the Board of Fire and Police Commission; and,

**WHEREAS**, the City finds that this clarification pertains to the government and affairs of the City, and is otherwise in the public interest.

**NOW THEREFORE, BE IT ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS**, as follows:

**SECTION ONE. Recital.** The foregoing recital is hereby adopted as part of this Ordinance.

**SECTION TWO.** That Section 2.24.030 of the St. Charles Municipal Code is hereby deleted in its entirety and the following language is inserted in lieu thereof:

**"2.24.030 Members – Qualifications – Oath – Bond - Removal**

The members of the Board of Fire and Police Commissioners shall have such qualifications as are now or may hereafter be required of them by law, except that no person shall be disqualified from serving as a Commissioner because of his or her political affiliations. Pursuant to the City's home rule authority, this section shall supersede Section 10-2.1-3 of the Illinois Municipal Code.

Each member of the Board of Fire and Police Commissioners shall take oath or affirmation of office, and shall execute and deliver to the City a bond in the sum of One Thousand Dollars, with such sureties as the Mayor and City Council shall approve, conditioned for the faithful performance of the duties of his or her office. The members of the Board of Fire and Police Commissioners shall be subject to removal from office in the same manner as other officers of the City."

**SECTION THREE SEVERABILITY** - If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence

shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance."

**SECTION FOUR:** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

**SECTION FIVE:** That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PRESENTED** to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**PASSED** by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this \_\_\_\_\_ day of, \_\_\_\_\_, 2017.

**APPROVED** by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

Attest:

\_\_\_\_\_  
City Clerk

**COUNCIL VOTE:**

Ayes:

Nays:

Absent:

Abstain:

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_