
**EXECUTIVE SESSION – 6:00 P.M. – PERSONNEL SECTION 2(C)(1) OF THE OPEN
MEETINGS ACT**

**CITY COUNCIL
COMMITTEE-OF-THE-WHOLE**

**REVISED AGENDA
May 23, 2011
6:30 P.M.
City Council Chambers**

- 1. CALL TO ORDER**
- 2. ESTABLISH A QUORUM**
- 3. DISCUSSION OF POLICE CHIEF DUTIES**
- 4. PUBLIC COMMENT**
- 5. ADJOURNMENT**

CITY OF DARIEN

Memorandum

TO: Mayor, City Council, City Clerk, City Treasurer

FROM: Bryon D. Vana, City Administrator

DATE: May 19th, 2011

RE: Police Chief Position

BACKUP

At the May 16, 2011 City Council meeting the Council discussed amending the City Code to allow the City Administrator to be appointed in the role of Police Chief, taking over the administrative duties and allowing the Deputy Chiefs handle tactical and support functions of the police department. My original goals behind this idea were to reduce costs, allow the administrator to handle some of the administrative duties of the police chief, and develop more direct and positive communication between the police officers and city administration.

Mayor Weaver and I have continued to discuss the police chief position taking into account the comments made by residents during an open discussion session at the last City Council meeting and those residents that directly contacted the elected officials. The comments from residents, regardless of their position on the issue, have similar themes including:

- can a non-sworn staff member be a chief of police
- eliminating one administrative position the police department is a reasonable way to reduce out costs
- the current deputy chiefs and city administrator are valued employees of the City of Darien
- the police officers value a police chief who is a sworn officer and who has police patrol experience
- the duties of the police chief do include a variety of administrative duties that don't require the person to be a sworn police officer

I think it is also important to reiterate the positive aspects of the change. The City Administrator is already ultimately responsible for the operations of the police department, and it is important the position take a greater role in communicating directly with police personnel. The goal is to help them understand the critical decisions the City of Darien makes and better encourage the employees to communicate directly with the City Administrator. Having experienced management take over administrative duties that do not involve police work will also reduce inefficiencies. Therefore, taking both public comment and these needs into account, I am requesting the council consider a revised concept that accomplishes the original goals and implements the input from the residents. In summary the necessary code revisions are as follows:

- 1 revise the code to allow the Mayor, with the consent of the Council, to appoint 2 deputy chiefs. Currently the 2 deputy chiefs are appointed by the police chief.
- 2 revise the code to allow the city administrator to appoint a police chief from the 2 deputy chiefs that were appointed by the mayor and council. An additional merit amount, determined by the council, would be offered

- to the appointed chief based on an annual evaluation by the administrator
- 3 revise the code to add the specific police administrative duties that would fall directly to the city administrator. This requires no change in the administrator's title but a revision to the administrator's duties outlined in the city code.

These changes accomplish the following:

- Reduces costs by eliminating one police administrative position
- Keeps the police chief title with a sworn police officer
- Allows the administrator to take on additional responsibilities and oversight of the police department.

The Council will have the opportunity to discuss this approach at a special committee of the whole meeting being scheduled for Monday, May 23rd, 2011, at 6:30pm following the special executive session for the same evening. Please call me if you have any additional questions prior to Monday.

CITY OF DARIEN

Memorandum

TO: Mayor, City Council, City Clerk, City Treasurer

FROM: Bryon D. Vana, City Administrator

DATE: May 20th, 2011

RE: Police Chief Duties

Attached are 2 ordinances as additional material for the May 23rd, 2011, Committee of the Whole meeting. The first attached **ordinance** is a revision to the ordinance discussed at the May 16th Council meeting. That ordinance was revised based on the council's discussion. The second **ordinance** is new and reflects the revised concept discussed in the memo sent to the Council for the May 23rd Committee of the Whole meeting.

Please call if you have any questions.

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 8-1-2 OF THE DARIEN CITY
CODE, "OFFICE OF THE CHIEF OF POLICE," TO PROVIDE FOR THE
DESIGNATION OF SUCH DUTIES TO BE PERFORMED BY THE CITY
ADMINISTRATOR**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS _____ DAY OF _____, 2011.

**Published in pamphlet form by authority
of the Mayor and City Council of the City
of Darien, DuPage County, Illinois, this
_____ day of _____, 2011.**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 8-1-2 OF THE DARIEN CITY CODE, "OFFICE OF THE CHIEF OF POLICE," TO PROVIDE FOR THE DESIGNATION OF SUCH DUTIES TO BE PERFORMED BY THE CITY ADMINISTRATOR

WHEREAS, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the City's current police chief has announced his retirement; and

WHEREAS, the Mayor and City Council have studied how best to reallocate the duties and responsibilities of the police chief; and

WHEREAS, the Mayor and City Council have determined that it is reasonable and will promote the sound and efficient operations of the City to provide that the City Administrator assume the various duties currently being performed by the Chief of Police;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

Section 1: Section 8-1-2 of the Darien City Code, "Office of Chief of Police," is hereby amended to provide as follows [new language underscored]:

8-1-2: OFFICE OF THE CHIEF OF POLICE:

(a) There is hereby created the office of police chief. The police chief shall be appointed by the mayor with the advice and consent of the city council; provided,

ORDINANCE NO. _____

that if the person appointed chief was at the time of such promotion a member of the department, he shall retain his status and rank while serving as chief and shall revert to such status and rank when his term as chief has ended, providing that no criminal charges preclude his assuming these duties. The mayor has the authority to appoint and discharge the chief of police, with the advice and consent of the city council.

(b) Subject to the advice and consent of the city council, the mayor may designate that the city administrator perform the duties of the chief of police. In the event of such designation :

(1) The administrator shall be responsible for the overall administration and supervision of the department, including purchasing, budget and manpower allocations, human relations, collective bargaining, and contract administration.

(2). The administrator shall be considered the department head for all purposes relating to the operation and administration of the police department.

(3) The administrator shall not have any of the police powers identified in Section 8-1-6 of the City Code.

(4) The administrator shall designate a deputy chief who will be responsible for all law enforcement functions of the department relating to the planning, management, and delivery of law enforcement and investigative services to the city.

Section 2: Home Rule. This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

Section 3: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ORDINANCE NO. _____

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this _____ day of _____, 2011.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this _____ day of _____, 2011.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 1
OF THE DARIEN CITY CODE**

ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN

THIS _____ DAY OF _____, 2011.

**Published in pamphlet form by authority
of the Mayor and City Council of the City
of Darien, DuPage County, Illinois, this
_____ day of _____, 2011.**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 1
OF THE DARIEN CITY CODE**

WHEREAS, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

Section 1: Section 8-1-1(B) of the Darien City Code is hereby amended to provide as follows [new language underscored]:

- (B) Two (2) deputy chiefs of police. The deputy chief position shall be an exempt rank immediately below that of the chief. The deputy chiefs shall be appointed by the mayor subject to the advice and consent of the city council from any rank of the sworn full time officers of the police department, but must have at least five (5) years of full time service as a police officer in the city's police department. A deputy chief shall serve at the discretion of the mayor and if removed from that position shall revert to the rank he or she held immediately prior to his or her appointment to the deputy chief position.

Section 2: Section 8-1-2 of the City Code is hereby amended to provide as follows:

8-1-2: OFFICE OF CHIEF OF POLICE:

There is hereby created the office of police chief. The police chief shall be appointed by the administrator. Only an employee of the police department holding the position of deputy chief shall be eligible for appointment to the position of chief. The chief shall serve at the discretion of the administrator and if removed from that

ORDINANCE NO. _____

position shall revert to the last nonexempt rank he or she held immediately prior to his or her appointment to the position of deputy chief.

Section 3: Section 1-6-5(D) of the Darien City Code is hereby amended to provide as follows:

- (D) Appoint and remove all employees of the City. This appointment and removal authority of the City Administrator shall not apply to the following:
1. Deputy Chiefs of Police.
 2. Full-time members of the Police Department.
 3. Director of Municipal Services.
 4. Independent contractors with the City .

Section 4: Section 1-6-5 of the Darien City Code is hereby amended by adding the following new subsection (Q) and redesignating the existing subsection (Q) to subsection (R):

(Q) Assume overall administrative responsibilities for the police department, including purchasing, budgeting, resource allocation, human resources, collective bargaining, establishing departmental goals and objectives in order to determine present and future public safety requirements, analyzing all division operations and programs to determine their productivity and efficiency. However, the administrator shall not be authorized to exercise any police powers identified in Section 8-1-6 of the City Code.

Section 5: **Home Rule.** This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

ORDINANCE NO. _____

Section 6: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this _____ day of _____, 2011.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this _____ day of _____, 2011.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY