

**SPECIAL MEETING
HELD ON AUGUST 17, 2020 IN THE CITY COUNCIL CHAMBERS
204 PULASKI ROAD, CALUMET CITY, ILLINOIS**

CALL TO ORDER The Special Meeting was called to order at 3:37 p.m. by Mayor Michelle Markiewicz Qualkinbush via zoom.

PUBLIC COMMENT No Public Comment sent via email.

ROLL CALL

YEAS: 7 ALDERMEN: Navarrete, Swibes, Tillman, Williams (3:43 p.m.) Gardner Patton, Smith.

ABSENT: 0 ALDERMEN: None

Also present were Mayor Michelle Qualkinbush, City Clerk Nyota Figgs, City Treasurer Tarka, City Administrator William Murray, Mayors Assistant Rose Bonato, Public Works Commissioner B. Manousopoulos.

Res. removed Alderman Gardner moved, seconded by Alderman Smith, to remove the
from agenda Resolution providing for or requiring the submission of an advisory
question or public policy concerning the consolidation of school districts
in the city of Calumet City, Cook County, Illinois, to appear on the ballot
of the electors of the City of Calumet City at the General Election to be
held November 3, 2020 from the agenda.

MOTION CARRIED

Approve Res. Alderman Patton moved, seconded by Alderman Smith, to pass a
for question on Resolution providing for and requiring the submission of a binding
Nov. 2020 Ballot: question concerning the modification of the limitations of the terms of
Term Limits office for elected municipal officers in the City of Calumet City at the
General Election to be held on November 3, 2020.

ROLL CALL

YEAS: 6 ALDERMEN: Navarrete, Swibes, Tillman, Williams, Patton,
Smith
NAYS: 1 ALDERMEN: Gardner
ABSENT: 0 ALDERMEN: NONE

Res. 20-51 (See Attached 2-A)

MOTION CARRIED

Approve Res. for Alderman Patton moved, seconded by Alderman Swibes to pass a
Question re: Resolution providing for and requiring the submission of a binding
Enhanced ethics public question s concerning the implementation of enhanced ethical
for Mayor Office requirements in determining eligibility for the Office of Mayor of the City
for Nov. 2020 ballot of Calumet City, at the General Election to be held on November 3, 2020.

ROLL CALL

YEAS: 4 ALDERMEN: Navarrete, Swibes, Patton,
Smith
NAYS: 3 ALDERMEN: Williams, Gardner, Tillman
ABSENT: 0 ALDERMEN: NONE

Res. 20-51 (See Attached 2-B)

MOTION CARRIED

**THE CITY OF CALUMET CITY
COOK COUNTY, ILLINOIS**

**RESOLUTION
NUMBER 20-51**

**A RESOLUTION PROVIDING FOR AND REQUIRING THE
SUBMISSION OF A BINDING PUBLIC QUESTION CONCERNING THE
MODIFICATION OF THE LIMITATIONS ON THE TERMS OF OFFICE
FOR ELECTED MUNICIPAL OFFICERS IN THE CITY OF CALUMET
CITY, COOK COUNTY, ILLINOIS, TO APPEAR ON THE BALLOT OF
THE ELECTORS OF THE CITY OF CALUMET CITY AT THE
GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020**

**MICHELLE MARKIEWICZ QUALKINBUSH, Mayor
NYOTA T. FIGGS, City Clerk**

**DEJUAN GARDNER
MICHAEL NAVARRETE
JAMES PATTON
ANTHONY SMITH
MARY E. SWIBES
DEANDRE TILLMAN
RAMONDE WILLIAMS**

Aldermen

Published in pamphlet form by authority of the Mayor and City Council of the City of Calumet City on 8/17/2020
City Attorneys - 3318 West 95th Street - Evergreen Park, Illinois 60805

Res. #20-51

1

RESOLUTION NO. 20- 51

A RESOLUTION PROVIDING FOR AND REQUIRING THE SUBMISSION OF A BINDING PUBLIC QUESTION CONCERNING THE MODIFICATION OF THE LIMITATIONS ON THE TERMS OF OFFICE FOR ELECTED MUNICIPAL OFFICERS IN THE CITY OF CALUMET CITY, COOK COUNTY, ILLINOIS, TO APPEAR ON THE BALLOT OF THE ELECTORS OF THE CITY OF CALUMET CITY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020

WHEREAS, the City of Calumet City is a municipal corporation duly organized and existing under the laws of the State of Illinois; and is a home rule unit of local government; and

WHEREAS, Section 28-7 of the Illinois Election Code (10 ILCS 5/28-7) provides that in any case in which Article VII of the Illinois Constitution authorizes any action to be taken by or with respect to any unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, by or subject to approval by referendum, any such public question shall be initiated in accordance with such Section 28-7, *inter alia* by the governing body of the unit of local government by resolution, requesting the submission of the proposal for such action to the voters of the governmental unit at a regular election; and

WHEREAS, Section 6 of Article VII of the Illinois Constitution authorizes a home rule municipality to provide, by referendum, for the municipality's officers, their manner of selection and terms of office; and

WHEREAS, on June 24, 2016 the City Council adopted Resolution 16-29 entitled a "Resolution Providing for and Requiring the Submission of a Binding Public Question Concerning Limiting the Terms of Office for the Office of Mayor in the City of Calumet City, Cook County, Illinois, to Appear on the Ballot of the Electors of the City of Calumet City at the General Election to be Held on November 8, 2016" that placed a binding term limit proposition (the "Proposition") before the voters of the City of Calumet City at the November 8, 2016 General Election; and

WHEREAS, at the General Election held on November 8, 2016, the electors of the City of Calumet City voted to approve the Proposition to limit the terms of office of the Mayor of Calumet City by a total of 9,130 yes votes (65.4%) and 4,830 no votes; and

WHEREAS, a disgraced former Alderman of the City of Calumet City forced the City to spend hundreds of thousands of dollars to defend the vote of its citizens in both Federal and State Court and to obtain court orders affirming the City electorate's ability to impose term limits and make other modifications to the manner of selecting municipal officers that best meet the needs and interests of the City at a given time; and

WHEREAS, on July 19, 2020, the Governor of the State of Illinois signed Public Act 101-0114 into law, which enacted Section 3.1-10-17 of the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, Public Act 101-0114 requires, *inter alia*, that all municipal term limits imposed on or after November 8, 2016 cannot apply retroactively and can only apply to terms for the same office or category of municipal office, *see* 65 ILCS 5/3.1-10-17; and

WHEREAS, the Proposition overwhelmingly approved by the voters of the City of Calumet City at the November 8, 2016 General Election applies both retroactively and to terms from different offices or categories of municipal office; and

WHEREAS, despite the expressed, overwhelming will of the voters of the City of Calumet City, the Illinois General Assembly passed Public Act 101-0114, which has been upheld, in part, by the Supreme Court of Illinois; and

WHEREAS the Mayor and City Council of the City of Calumet City seeks to ensure that the current manner of selecting municipal officers for the City of Calumet City in upcoming elections is clarified to conform with all new legal requirements; and

Clerk, or any election authority having jurisdiction over the City, in order that the Binding Proposition may be submitted to the voters of Calumet City, Cook County, State of Illinois at the November 3, 2020 General Election.

Section 5. The provisions of this Resolution are hereby declared to be severable, and should any provision of this Resolution be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid, and in full force and effect.

Section 6. That all motions, orders, and resolutions, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded and repealed.

Section 7. This Resolution shall be in full force and effect after its adoption and approval as provided by law.

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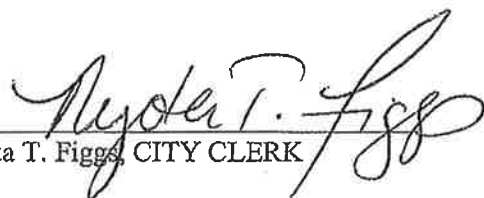
ADOPTED this 17th day of August, 2020, pursuant to a roll call as follows:

	YES	NO	ABSENT	PRESENT
GARDNER		X		
NAVARRETE	X			
PATTON	X			
SMITH	X			
SWIBES	X			
TILLMAN	X			
WILLIAMS	X			
(MAYOR QUALKINBUSH)				

APPROVED by the Mayor on August 17, 2020.


 Michelle Markiewicz Qualkinbush
 MAYOR

ATTEST:


 Nyota T. Figgs, CITY CLERK

**THE CITY OF CALUMET CITY
COOK COUNTY, ILLINOIS**

**RESOLUTION
NUMBER 20-52**

**A RESOLUTION PROVIDING FOR AND REQUIRING THE
SUBMISSION OF A BINDING, PUBLIC QUESTION CONCERNING THE
IMPLEMENTATION OF ENHANCED ETHICAL REQUIREMENTS IN
DETERMINING ELIGIBILITY FOR THE OFFICE OF MAYOR OF THE
CITY OF CALUMET CITY COOK COUNTY, ILLINOIS, TO APPEAR ON
THE BALLOT OF THE ELECTORS OF THE CITY OF CALUMET CITY
AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020**

**MICHELLE MARKIEWICZ QUALKINBUSH, Mayor
NYOTA T. FIGGS, City Clerk**

**DEJUAN GARDNER
MICHAEL NAVARRETE
JAMES PATTON
ANTHONY SMITH
MARY E. SWIBES
DEANDRE TILLMAN
RAMONDE WILLIAMS**

Aldermen

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City Attorneys - 3318 West 95th Street - Evergreen Park, Illinois 60805

Res. #20-52

Special Meeting August 17, 2020

2B

RESOLUTION NO. 20-52

A RESOLUTION PROVIDING FOR AND REQUIRING THE SUBMISSION OF A BINDING, PUBLIC QUESTION CONCERNING THE IMPLEMENTATION OF ENHANCED ETHICAL REQUIREMENTS IN DETERMINING ELIGIBILITY FOR THE OFFICE OF MAYOR OF THE CITY OF CALUMET CITY, COOK COUNTY, ILLINOIS, TO APPEAR ON THE BALLOT OF THE ELECTORS OF THE CITY OF CALUMET CITY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020

WHEREAS, the City of Calumet City is a municipal corporation duly organized and existing under the laws of the State of Illinois; and is a home rule unit of local government; and

WHEREAS, Section 28-7 of the Illinois Election Code (10 ILCS 5/28-7) provides that in any case in which Article VII of the Illinois Constitution authorizes any action to be taken by or with respect to any unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, by or subject to approval by referendum, any such public question shall be initiated in accordance with such Section 28-7, *inter alia* by the governing body of the unit of local government by resolution, requesting the submission of the proposal for such action to the voters of the governmental unit at a regular election; and

WHEREAS, Section 6 of Article VII of the Illinois Constitution authorizes a home rule municipality to provide, by referendum, for the municipality's officers, their manner of selection and terms of office; and

WHEREAS, on August 25, 2016, the City Council adopted Resolution 16-31 entitled, "A Resolution Authorizing the Submission of an Advisory Public Policy Question at the February 28, 2017 Primary Election, "Shall Any Calumet City Elected Official Be Permitted to Hold More Than One (1) Paid Elected Office"; and

WHEREAS, at the February 28, 2017 Consolidated Primary Election, the electors of the City of Calumet City voted and expressed their *disapproval* of elected officials being permitted to hold more than one (1) paid elected office by a vote of 768 in favor of allowing holding multiple, paid offices and 2,221

(74.3% of the electors) voting against such a practice and in supporting a restriction on holding multiple, paid public offices; and

WHEREAS, the Illinois Constitution allows home rule municipalities, by referendum, to alter eligibility requirements for candidates and elected municipal officers; and

WHEREAS, the Illinois Supreme Court and the Illinois Appellate Court have consistently held that this home rule power is to be liberally construed; and

WHEREAS, the Illinois Supreme Court and the Illinois Appellate Court have held that home rule municipalities that change eligibility requirements, by referendum, for those candidates seeking nomination or election to municipal elected office are exercising a power authorized by the Illinois Constitution; and

WHEREAS, the electors of the City of Calumet City have already resoundingly voiced their disapproval of those individuals who seek elected office in the City of Calumet City while simultaneously holding paid, elected office with the State of Illinois; and

WHEREAS, the Municipal Code of Ordinances for the City of Calumet City provides that the Mayor is the "chief executive officer of the City," (Mun. Code of Calumet City, §2-32), and simultaneously holding office created by the Constitution of the State of Illinois by serving, as, for example, Governor or as a Member of the General Assembly, would provide the likelihood of a dual officeholder having divided loyalties, separate and conflicting interests, diversion of the dual officeholder's attention, commitment, energy, resources, skill, and time from municipal duties, and may further raise questions of antagonism, inconsistency, interference, subordination or repugnancy of functions; or of the faithful discharge of, or impartiality in, exercising duties; or impairing the ability to engage in fair dealing and exercise proper judgment, loyalty or independence; or generating frequent recusals or absenting oneself

from voting, or delegating authority; or personal, professional, and financial entanglements at different levels of government; and

WHEREAS, the electors of the City of Calumet City should be provided a means by which they are clearly posed a ballot question allowing them to choose to enact good-government, ethical reforms to ensure the chief executive officer of the City of Calumet City is committed to purely local issues and is not compromised by competing interests and entanglements that come with holding another compensated public office, especially a State Constitutional office that demand attention and concentrations outside the City of Calumet City; and

WHEREAS, the Mayor and City Council of the City of Calumet City have determined that it is in the best interests of the City of Calumet City that there shall be submitted to the qualified electors of the City of Calumet City a binding public question concerning whether to enhance the ethical requirements for those individuals who seek to serve as Mayor of the City of Calumet City and to alter certain eligibility requirements for the office of Mayor of the City of Calumet City, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Calumet City, Cook County, Illinois, as follows:

Section 1. That all of the recitals contained in the preambles to this Resolution are true and correct and are hereby incorporated into this Resolution by reference.

[Remainder of Page Intentionally Left Blank]

Section 2. The Mayor and City Council of the City of Calumet City (the “City”) hereby authorize the following binding proposition (the “Binding Proposition”) to be placed on the ballot of the voters of the City at the General Election to be held November 3, 2020 and that the Binding Proposition be submitted in substantially the following form in accordance with the general election law:

Shall the Municipal Code of the City of Calumet City, Cook County, Illinois be amended to adopt and incorporate the following requirement applicable to all persons seeking nomination or election to, or who hold, the office of Mayor of the City of Calumet City at the February 23, 2021 Consolidated Primary Election and each election thereafter: No person shall be eligible to seek nomination or election to, or to hold, the office of Mayor of the City of Calumet City if, at the time for filing nomination papers, that person also holds an elected, paid office created by the Constitution of the State of Illinois?	YES	<input type="checkbox"/>
	NO	<input type="checkbox"/>

Section 3. The Mayor and City Council further authorizes and directs that the Binding Proposition be certified to the proper election authority and official(s) so that the question may be submitted to the voters of Calumet City in accordance with the general election law.

Section 4. That after adoption hereof and not less than sixty-eight (68) days prior to the date of the November 3, 2020 General Election, the City Clerk shall certify a copy hereof to the Cook County Clerk, or any election authority having jurisdiction over the City, in order that the Binding Proposition may be submitted to the voters of Calumet City, Cook County, State of Illinois at the November 3, 2020 General Election.

Section 5. The provisions of this Resolution are hereby declared to be severable, and should any provision of this Resolution be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid, and in full force and effect.

Section 6. That all motions, orders, and resolutions, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded and repealed.

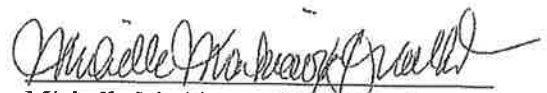
Section 7. This Resolution shall be in full force and effect after its adoption and approval as provided by law.

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ADOPTED this 17th day of August, 2020, pursuant to a roll call as follows:

	YES	NO	ABSENT	PRESENT
GARDNER		X		
NAVARRETE	X			
PATTON	X			
SMITH	X			
SWIBES	X			
TILLMAN		X		
WILLIAMS		X		
(MAYOR QUALKINBUSH)				

APPROVED by the Mayor on August 17, 2020.


Michelle Markiewicz Qualkinbush
MAYOR

ATTEST:

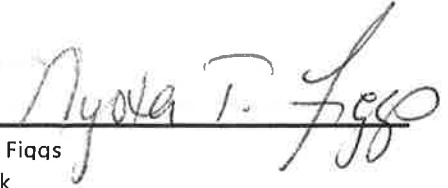

Nyota T. Figgs, CITY CLERK

Adjournment

Alderman moved Patton, seconded by Alderman Smith, to adjourn at 3:47 p.m.

MOTION CARRIED

X



Nyota T. Fiqqs
City Clerk