

ORDINANCE NO. O2026-06

AN ORDINANCE AMENDING SECTIONS 1-5-2, 1-5-7, and 1-8-4 OF THE WARRENVILLE CITY CODE REGARDING VOTING PROCEDURES

WHEREAS, the City is a home rule municipal corporation pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, Sections 1-5-2 and 1-5-7 of the Warrenville City Code ("**City Code**") each include a provision providing when the Mayor has a vote; and

WHEREAS, Section 1-8-4.B.6 of the City Code sets forth various exceptions to the competitive bidding requirements, including authorizing the City Council to waive the competitive bidding requirements by a two-thirds vote of the members of the City Council; and

WHEREAS, Section 3.1-40-30 of the Illinois Municipal Code sets forth the circumstances under which the Mayor has a vote, 65 ILCS 5/3.1-40-30, and Section 8-9-1 of the Illinois Municipal Code authorizes the waiver of the competitive bidding, 65 ILCS 5/8-9-1 ("**State Laws**"); and

WHEREAS, the City desires to update and clarify Sections 1-5-2, 1-5-7, and 1-8-4.B.6 of the City Code, including amending them to comport with the State Laws (collectively, the "**Proposed Amendments**"); and

WHEREAS, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve the Proposed Amendments and amend the City Code in accordance with this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Ordinance as if fully set forth in this Ordinance.

SECTION 2: Amendments Section 1-5-2. Section 1-5-2, titled "Presiding Officer," of Chapter 5, titled "Mayor and City Council", of Title 1, titled "Administration", of the City Code, is hereby amended as follows:

1-5-2: PRESIDING OFFICER:

A. Mayor: The mayor shall preside at all meetings of the council, ~~but he or she shall have a vote only where the state statutes or the municipal ordinances require more than a majority vote of the corporate authorities, or in the event of a tie, or where one half (1/2) of the aldermen elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote~~ **1**. (Ord. 1729, 11-16-1998)

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(additions are bolded and double-underlined; deletions are struck-through)

SECTION 3: Amendments Section 1-5-7. Section 1-5-7, titled "Rules and Order of Business," of Chapter 5, titled "Mayor and City Council", of Title 1, titled "Administration", of the City Code, is hereby amended as follows:

"1-5-7: RULES AND ORDER OF BUSINESS:

* * *

B. Voting:

1. All ordinances for whatever purpose and any resolution or motion:
1) to create any liability against the city, or 2) for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members **of the City Council then** holding office.
2. In the voting upon of all ordinances and upon any resolutions or motions, the "yeas" and "nays" of each member will be taken and recorded in the minutes of the council.
3. ~~An Members of the City Council alderman is are~~ not required to vote on a motion, resolution or ordinance.
4. **A member of the City Council's** ~~His~~ failure to vote will not invalidate a resolution or motion which does not require the affirmative vote of a particular percentage of the council where the majority of those exercising their franchise are in favor of the motion or resolution.
5. The mayor **shall not vote on any ordinance, resolution, or motion except the following:** ~~is required to vote on three (3) occasions:~~
 - a.1. Where the vote of the aldermen has resulted in a tie;
 - b.2. Where one-half (1/2) of the aldermen elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote; or
 - c.3. Where a vote greater than a majority of the corporate authorities is required by state statutes to adopt an ordinance, resolution or motion. (Ord. 469, 10-5-1979)
6. Any vote provided for under the Illinois municipal code or state statute that does not specify whether it shall be a concurring vote or an affirmative vote shall be considered an affirmative vote. In such an instance, an abstention, a pass or a recusal of a member of the **city council** ~~corporate authorities~~ in response to a roll call vote on a matter shall be recorded as such and shall not be counted as a vote with the majority.

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(additions are bolded and double-underlined; deletions are struck-through)

SECTION 4: Amendments Section 1-8-4. Section 1-8-4, titled "Purchasing Procedures," of Chapter 8, titled "City Finances", of Title 1, titled "Administration", of the City Code, is hereby amended as follows:

"1-8-4: PURCHASING PROCEDURES:

* * *

B. Bid Procedures:

* * *

5. Bidding Procedures And Requirements: All purchase orders or contracts of whatever nature, for labor, services, or work, the purchase, lease or sale of personal property, materials, equipment or supplies involving amounts in excess of twenty five thousand dollars (\$25,000.00) made by or on behalf of the City, shall be let by free and open competitive bidding after due advertisement, to the lowest responsible bidder, or in the appropriate instance to the highest responsible bidder, depending upon whether the City is to expend or receive money. "Due advertisement", as used herein, shall mean publication of the advertisement for bids not less than ten (10) days prior to the bid opening.

6. Exemptions From Bidding Requirements:

a. The following purchases are exempt from the requirements set forth in this section of open and competitive bidding:

(1) Purchase contracts for either labor, services, materials, equipment, or a combination thereof, which by their nature are not adaptable to award by competitive bidding, such as, but not limited to, contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, and contracts for supplies, materials, parts, or equipment which are available only from a single source.

(2) All purchase orders or contracts of whatever nature for labor, services or work, the purchase, lease or sale of personal property, materials, equipment or supplies wherein the price to be paid by the City is equal to or less than a price established by open and competitive bidding through either an agency of the Federal government or an agency of the State, within one year immediately preceding the letting of the proposed contract by the City.

(additions are bolded and double-underlined; deletions are struck-through)

- (3) All purchase orders or contracts of whatever nature, for labor, services or work, the purchase, lease or sale of personal property, materials, equipment or supplies, wherein the City Council, by a two-thirds (2/3) majority affirmative vote of the **aldermen** ~~members of the City Council~~ then holding office, waive the requirement of open and competitive bidding, except in such instances where open and competitive bidding is required by the provisions of section 8-9-1 of the Illinois Municipal Code.

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SECTION 5: Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in the manner provided by law.

PASSED THIS _____ day of _____, 2026.

VOTE: AYES _____ NAYS _____ ABSENT _____ ABSTAIN _____

APPROVED THIS _____ day of _____, 2026.

MAYOR

ATTEST:

CITY CLERK

(additions are bolded and double-underlined; deletions are struck-through)