

**ORDINANCE NO. O-2022-51**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON CHAPTER 2 (ADMINISTRATION), ARTICLE IV (DEPARTMENTS)**

**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 it is in the best interest of its residents to create a legal department that would include a full-time city attorney to provide legal services including the oversight of Intergovernmental Agreements, leases, ordinances, resolutions, code amendments, litigation, litigation management, and legal analysis of a variety of questions, including complex zoning matters; and

**WHEREAS**, the Mayor and City Council 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 IV "Departments" is hereby amended.

**SECTION 1:** That Chapter 2 (Administration) Article IV (Departments) is hereby amended by adding a new Division 8 which shall read as follows:

**"DIVISION 8. – LEGAL**

**Sec. 2-233. Composition.**

The department head of the legal department shall be designated as the city attorney who shall act in the capacity of Corporate Counsel and shall be appointed by the city manager. Additional personnel, including consulting services, may be hired from time to time after approval by the city manager, to give clerical, docket, and/or other assistance to the city attorney, as the city attorney may deem necessary and as provided for by duly adopted budgets of the City.

The city attorney, and any additional personnel of the legal department, shall:

- a. Be at will employees of the City; and
- b. Work exclusively and diligently for the City, devoting all business time, attention and efforts to the work, assignments, and services of the city and shall not engage in any

other income, profit generating activities, or volunteer work without the written consent of the city manager; and

- c. Be subject to this ordinance, and any terms and conditions set forth in a letter of appointment required by the city manager consistent with this ordinance.

**Sec. 2-234. Powers and duties.**

The city attorney may:

- a. Prosecute, defend, or manage other law firms and attorneys in any and all suits or actions at law or equity to which the city may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the city, or in the capacity of such person as an officer of the city.
- b. See to the full enforcement of all judgments or decrees rendered or entered in favor of the city, and of all similar interlocutory orders.
- c. Render advice on all legal questions affecting the city. Upon request, the city attorney shall reduce any such opinion to writing.
- d. Prepare a formal opinion upon any legal matter or question submitted by the mayor, the city council or the head of any department upon the approval of the city manager.
- e. Attend council meetings, public hearings and such other city-related meetings as directed by the city manager providing general advice and parliamentary procedure guidance with Robert Rules of Order.
- f. Direct legal services in connection with all special assessment proceedings, special service district proceedings, condemnation proceedings and all other such related litigation.
- g. Draft or supervise the phraseology of any contract, lease, deed or other documents or instruments, to which the city may be a party; and upon request of the city manager, draft ordinances or revise ordinances covering any subject within the power of the city.
- h. The city attorney may, recommend employment of additional counsel to aid the City in its affairs whenever deemed necessary or expedient.
- i. Timely identify and advise the city manager regarding legal issues and changes in the law that may impact City operations and/or policies.

**Sec. 2-235. Reports and records.**

The city attorney shall make reports as follows:

- a. Immediately report the outcome of any litigation in which the City has an interest to the city manager and city council.
- b. Make periodic reports, as requested, to the city manager and city council of all pending litigation in which the city has an interest and the status thereof.

**Secs. 2-236—2-255. 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 form in the manner prescribed by law.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

City Clerk

Ayes:

Roll Call Vote:

Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins

Councilman Weller  
Councilman Barbier

Nays: None

Absent: None

Motion Carried Unanimously

Passed: November 7, 2022

Published: November 8, 2022