

ORDINANCE NO. O-2023-32

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON
CHAPTER 2 (ADMINISTRATION)**

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 City has approved and adopted a Procurement Policy, which necessitates amendments to the City Code to be consistent therewith.

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", is hereby amended to provide as follows:

SECTION 1: That Chapter 2 (Administration), Article III (Officers), Division 3 (City Manager) is hereby amended as follows:

Sec. 2-142. Powers and duties.

The powers and duties of the city manager shall be to:

- (1) Administer the enforcement of the laws and ordinances within the city.
- (2) Appoint and remove all directors of departments and hire and dismiss all other employees of the city except officers required by law to be appointed by the mayor with the approval of the city council. No appointment shall be made upon any basis other than that of merit and fitness.
- (3) Exercise control of and manage all departments and divisions thereof.
- (4) Attend all meetings of the city council with the right to take part in the discussions, but with no right to vote.
- (5) Recommend to the city council for adoption such measures as may be deemed necessary or expedient.
- (6) Purchase equipment, materials, supplies, and services necessary for the city, for which funds are available, in the annual budget for amounts up to and including \$35,000.00, subject to the procedures in the Procurement Policy adopted by the city council. Any purchase in excess of \$35,000.00 shall be approved by the city council, and for any such purchase that is not required to be secured through a competitive procurement process as delineated in the Procurement Policy shall be approved by a vote of five (5) members of the city council.
- (7) Submit all expenditures for payment to the city council for approval.

- (8) Cause to be prepared and to submit to the city council a quarterly statement of the financial condition of the city.
- (9) Have and exercise the authority and duties of any head or director of a department or division thereof prescribed by this Code or any amendment thereof, during the time when the office of any such department or division shall be vacant.
- (10) Issue all licenses and permits, authority for issuance of which is not otherwise provided for by the statutes of the state.
- (11) Prescribe rules and regulations for the conduct of the various departments of the city and the divisions thereunder.
- (12) Devote full time to the performance of the duties required hereunder. The city manager shall not engage in any other gainful employment or business while holding the office of city manager.
- (13) Perform such other duties as may be prescribed by the statutes of the state, by this Code, or by any ordinance or resolution of the city council.
- (14) Manage and protect, by prescribing rules and regulations for the operation and use of real property, owned or controlled by the city, including designating the use of certain areas of city real property for specific purposes and/or as no trespass areas.
- (15) Execute on behalf of the city, with attestation by the city clerk, and after review and approval by the city engineer's office, construction use and indemnification agreements (hereinafter "agreement") for irrigation systems and snow melt systems and other temporary sidewalk occupancy uses consistent with the template agreement on file with the city clerk's office.
- (16) Approve and execute settlement agreements for liability and workers' compensation claims and litigated cases within the city manager's spending authority as provided herein.

(Code 1968, § 2-118; Code 1996, § 2-142; Ord. No. F-1102, § 1, 12-5-2005; Ord. No. F-1994, § 1, 1-17-2017; Ord. No. F-2011, § 2, 5-15-2017; Ord. No. O-2021-34, § 1, 6-21-2021)

State law reference(s)—Similar provisions, 65 ILCS 5/5-3-7.

SECTION 2: That Chapter 2 (Administration), Article IX (Finance) is hereby amended by adding a new section 2-568, as follows:

Sec. 2-568. Procurement policy adopted. (new)

The Procurement Policy dated August 21, 2023, a copy of which is on file in the finance department, is adopted and was attached as Exhibit 1 to Res. **No. R-2023-71** and said Procurement Policy is incorporated in this section by this reference as though fully set forth herein. The Procurement Policy may be further amended by the city without a complete reprinting or republication of Exhibit 1, so long as the amendment is adopted by the city council by resolution referencing that form of amendment and incorporating it into the Procurement Policy as an addendum on file with the finance department.

SECTION 3: In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

SECTION 5: 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 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet from in the manner prescribed by law.


Philip Suess

Mayor

ATTEST:


Andrea Rosedale

City Clerk

Roll Call Vote:

Ayes: Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilman Clousing

Nays: None
Absent: Councilman Brown
Motion Carried Unanimously

Passed: August 21, 2023

Published: August 22, 2023

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