

ORDINANCE NO. O-2025-47

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON CHAPTER 2 ADMINISTRATION, ARTICLE VIII DISCLOSURE REQUIREMENTS

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

WHEREAS, at its August 25, 2025 Planning Session, the City Council considered changes to the City's Disclosure Requirements set forth in Article VIII of Chapter 2 of the Wheaton City Code; and

WHEREAS, the City Council found the City's Disclosure Requirements to be redundant of the State of Illinois' requirements to file a statement of economic interests; and

WHEREAS, the City therefore determined it to be in the best interest of the City to repeal and amend certain provisions of the Wheaton Chapter 2 Administration, Article VIII Disclosure Requirements.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

SECTION 1: That Chapter 2 Administration, Article VIII Disclosure Requirements is hereby amended as follows:

ARTICLE VIII. DISCLOSURE REQUIREMENTS

Sec. 2-526. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business entity means any organization or enterprise operated for profit, including, but not limited to, a proprietorship, partnership, firm, business trust, joint venture, syndicate, company, corporation, limited liability company or association.

City official means any person who is elected or appointed to the city council or is appointed as a member of a city board or commission.

(Code 1968, § 2-324; Code 1996, § 2-526)

Sec. 2-527. Statement of policy.

It is the policy of the city that its city officials and employees should, in their official capacity, exercise their judgment and perform their duties for the sole benefit of the city and its citizens. To this end, city officials and employees should avoid accepting or retaining any economic benefits or opportunities which could impair, or present an actual threat to, the exercise of independent judgment. It is further the policy of the city that all

appearances of impropriety shall be avoided. The city council hereby determines that the adoption of an ordinance setting forth principles and regulations applicable to city officials and employees is in the best interests of the city and will contribute to the public confidence in the integrity, ability and performance of city officials and employees.

(Code 1968, § 2-312; Code 1996, § 2-527)

Sec. 2-528. Penalty for violation of article.

Any person found guilty of violating any provision of this article shall be guilty of a misdemeanor and shall be fined as provided in section 1-8, and/or subjected to removal from employment.

(Code 1968, § 2-325; Code 1996, § 2-529)

Sec. 2-529. Provisions supplemental.

- (a) The standards of this article supplement the provisions regarding municipal officers in 50 ILCS 105/3, and any other ordinances of the city relating to conduct for city officials and employees.
- (b) This article is not to be construed so as to:
 - (1) Impair the ability of city officials and employees to participate in ceremonial, representational, or informational functions in the performance of their official duties; or
 - (2) Prevent city officials from participating in the public discussion of, or voting on, issues involving persons or business entities which have any relationship to the official's employer, unless otherwise proscribed in this article.

(Code 1968, § 2-313; Code 1996, § 2-530)

Sec. 2-530. Conflict of interest.

City officials and employees, whether paid or unpaid, shall not engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is:

- (1) Incompatible with the proper discharge of their official duties in the public interest; or
- (2) Would tend to impair their independence of judgment or action in the performance of their official duties.

(Code 1968, § 2-316; Code 1996, § 2-532)

Sec. 2-531. Representing private interests before the city council or commissions.

No city officials or employees shall:

- (1) Appear on behalf of private interests of any person before the city council or any commission of the city;
- (2) Represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party;
- (3) Accept a retainer or compensation that is contingent upon a specific action by a city body; provided, however, a city official may appear, without receiving additional compensation therefor, on behalf of

constituents in the course of their duties as a representative of the electorate or in the performance of public or civic obligations. City officials and employees may appear on behalf of themselves or their spouse or minor children before any city body or branch of the circuit court sitting in this city.

(Code 1968, § 2-317; Code 1996, § 2-533)

Sec. 2-532. Nonpartisan organization.

- (a) No city official shall promise an appointment to any salaried municipal position as a reward for any political activity.
- (b) No city official shall solicit, either directly or indirectly, any city employee to contribute to, or perform work for, any political party as a condition of continued employment.
- (c) No city official shall promise passage of an ordinance or resolution as a reward for any reason whatsoever. This prohibition does not include general campaign statements or promises made by a city official or candidate during any election campaign for public office.

(Code 1968, § 2-318; Code 1996, § 2-534)

Sec. 2-533. Disclosure of confidential information.

City officials and employees shall not, without a court order or judicial subpoena, disclose information not subject to disclosure pursuant to the Open Meetings Act (5 ILCS 120/1.01 *et seq.*) or Freedom of Information Act (5 ILCS 140/1 *et seq.*) concerning the property, government, or affairs of the city; nor shall city officials and employees use such information to advance the financial or other private interests of themselves or others.

(Code 1968, § 2-319; Code 1996, § 2-535)

Sec. 2-534. Abuse of power of office.

City officials and employees shall not use the prestige or power of office or employment for their or another's private gain.

(Code 1968, § 2-320; Code 1996, § 2-536)

Sec. 2-535. Public property.

No city official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when they are available to the public generally, or are provided as a municipal policy for use by the city official or employee.

(Code 1968, § 2-321; Code 1996, § 2-537)

Sec. 2-536. Filing of Statement of Economic Interests.

All city officials and employees subject to the Illinois Governmental Ethics Act, as may be amended from time to time, shall file a Statement of Economic Interests with the DuPage County Clerk on the form so provided. (Code 1968, § 2-322; Code 1996, § 2-538)

Secs. 2-537—2-560. 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.

Attest: Andrea Amodeo
City Clerk

Philip J. Suess
Mayor

Ayes:	Roll Call Vote: Councilman Brown Mayor Suess Councilman Clousing Councilwoman Robbins Councilman Weller Councilwoman Bray-Parker Councilwoman Brice
Nays:	None
Absent:	None
	<u>Motion Carried Unanimously</u>

Passed: October 20, 2025
Published: October 21, 2025