

ORDINANCE NO. 18541

AN ORDINANCE AMENDING ARTICLE XVI OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF JOLIET RELATING TO THE OFFICE OF THE INSPECTOR GENERAL

WHEREAS, the Mayor and City Council of the City of Joliet, Illinois (City) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, the Mayor and City Council recognize that the Code of Ordinances should be updated from time to time; and

WHEREAS, the citizens of the City of Joliet adopted the City Manager form of government on November 2, 1954; and

WHEREAS, rulings of the Illinois Supreme Court have made clear that under the City Manager form of government appointments and removals of officials and employees with executive power must be made by the City Manager rather than the Mayor and City Council (for example, *Pechous v. Slawko*, 64 Ill.2d 576); and

WHEREAS, although the City of Joliet is a home rule unit of local government, changes to the form of government of a municipality may only be made by a referendum adopted by the citizens of a municipality; and

WHEREAS, it is desirable that the provisions of the Code of Ordinances of the City of Joliet be amended to bring the provisions regarding the appointment and removal of the Inspector General into compliance with Illinois law;

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That the following sections of Article XVI of Chapter 2 of the Code of Ordinances of the City of Joliet are amended as follows (deletions are indicated by strikeouts; additions are indicated by underlines):

Sec. 2-505. - Appointment.

~~The mayor, with the advice and consent of the city council,~~ The City Manager shall be authorized to appoint an inspector general. This position may be full time, subject to the parameters as set forth in this article or may be ad hoc for a specific purpose.

Sec. 2-506. - Duties enumerated.

(a)The inspector general shall have the following powers and duties:

...

(3) To report to the City Manager, the mayor and city council concerning results of investigations undertaken by the office of inspector general;

Sec. 2-507. - Same—Qualifications.

~~(a) The corporation counsel and any lawyers assisting him shall be admitted to practice law in the courts of this state.~~

~~(b)~~ (a) The inspector general shall have the following minimum qualifications:

(1) Has not been convicted of any felony under the laws of the State of Illinois, another state, or the United States; and

(2) Has a minimum of ten (10) years of federal, state, or local government experience as a law enforcement officer, attorney or judge.

Sec. 2-511. - Inspector general—Removal.

~~(a) The inspector general may be removed by the City Manager. in accordance with the provisions of this section. The mayor shall give written notice:~~

~~(1) To the city council of his intent to remove the inspector general; and~~

~~(2) To the inspector general.~~

~~(b) Removal shall be effective only upon approval thereof by a concurring majority vote of the corporate authorities then holding office. Upon removal, the inspector general shall return to the position of assistant in the department of law if he or she was an assistant prior to appointment as the inspector general.~~

SECTION 3: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 4: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 6: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED this 19th day of September, 2023

Terry D'Arcy
MAYOR

Christa M. Desiderio
CITY CLERK

VOTING YES: Mayor D'Arcy and Councilmen Cardenas, Guerrero, Councilwoman Ibarra, Councilman Mudron, and Councilwoman Reardon.

VOTING NO: Councilmen Clement, Hug, and Councilwoman Quillman.

NOT VOTING: None.