

ORDINANCE NO. F-1539

**AN ORDINANCE AMENDING SECTION 2-96 "QUALIFICATIONS" OF DIVISION I –
"GENERALLY", ARTICLE 3. "OFFICERS" OF CHAPTER 2 "ADMINISTRATION"
OF THE WHEATON CITY CODE**

WHEREAS, the Corporate Authorities of the City of Wheaton, have determined that it is in the best interests of the City to appoint a City Clerk who has experience in the City of Wheaton in performing the duties of the City Clerk as set forth in City Ordinance, is familiar with the day to day operations of the City, and has experience working with the citizens, staff and elected officials of the City; and

WHEREAS, 65 ILCS 5/3.1-10-6(b) allows a municipality to appoint a city clerk who is not a qualified elector of the municipality; and

WHEREAS, the City of Wheaton, pursuant to its home rule authority, has lawful authority to not require residency as a qualification for the appointed City Clerk;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its Home Rule authority and 65 ILCS 5/3.1-10-6(b), that Section 2-96 "Qualifications", Division 1, "Generally", of Article III, "Officers" of Chapter 2, "Administration" of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Section 2-96 "Qualifications", which shall read as follows:

SECTION 1:

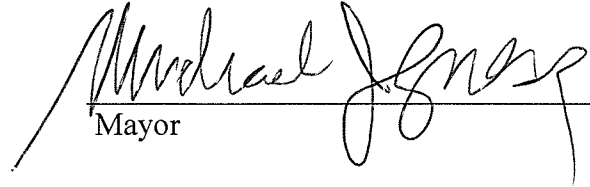
"SEC 2-96. Qualifications

No person shall be eligible for any municipal office unless that person is a qualified elector of the City and has resided in the City at least the one (1) entire year next preceding that person's election or appointment. These requirements shall not apply to officers who require technical training or knowledge, police officers or the City Clerk. No person shall be eligible to hold any City office who is a defaulter to the City. No person shall be eligible to an elective office of the City who is not a citizen of the United States or who has been convicted in any court located in the United States or its territories of any infamous crime, bribery, perjury, or other felony."

SECTION 2: All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

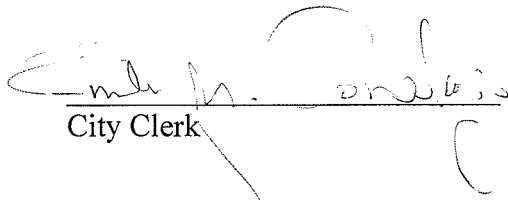
SECTION 3: That if any part of this Ordinance is declared invalid by a Court of competent jurisdiction, such partial invalidity shall not affect the remainder of this Ordinance.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as authorized and directed to be done by the Mayor and City Council of the City of Wheaton.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote:

- Councilman Scalzo
- Councilman Sues
- Councilwoman Corry
- Councilman Levine
- Councilman Mouhelis
- Mayor Gresk
- Councilman Prendiville

Nays:

None

Absent:

None

Passed: February 7, 2011

Published: February 8, 2011