

CITY OF NOKOMIS, ILLINOIS

ORDINANCE NO. 2082

**AN ORDINANCE ABOLISHING THE OFFICE OF CITY ATTORNEY AND AMENDING
SECTION 1-2-24 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF
NOKOMIS, ILLINOIS**

**ADOPTED BY THE
CITY COUNCIL
OF THE CITY OF NOKOMIS, ILLINOIS**

THIS 9TH DAY OF AUGUST, 2021

Published in pamphlet form by the authority of the City Council
of the City of Nokomis, Montgomery County, Illinois,
this 9th day of August, 2021.

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**AN ORDINANCE ABOLISHING THE OFFICE OF CITY ATTORNEY AND AMENDING
SECTION 1-2-24 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF
NOKOMIS, ILLINOIS**

WHEREAS, the City of Nokomis, Illinois (hereinafter, the “City”) is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the City is authorized under the Illinois Municipal Code, 65 ILCS 5/3.1-30-5(a), and Illinois law to appoint, among other officers of the City, an attorney or corporation counsel; and

WHEREAS, specifically, the Illinois Municipal Code, 65 ILCS 5/3.1-30-5(a), states, “The mayor or president, as the case may be, by and with the advice and consent of the city council or the board of trustees, *may* appoint * * * an attorney or a corporation counsel” (emphasis added); and

WHEREAS, Section 1-2-24 of the Revised Code of Ordinances provides for the appointment of the “City Attorney” as an officer of the City; and

WHEREAS, retaining the City’s legal counsel pursuant to contract and abolishing the office of City Attorney would allow the corporate authorities greater control and flexibility in terminating the services of its legal counsel; and

WHEREAS, abolition of the office of City Attorney would confirm that the City has retained services of its legal counsel pursuant to contract and that neither Christopher E. Sherer nor any attorney, including but not limited to those with Giffin, Winning, Cohen & Bodewes, P.C., is an appointed City Attorney of the City; and

WHEREAS, the corporate authorities find and determine that it is in the best interest of the City to retain the services of its legal counsel pursuant to contract and to abolish the office of City Attorney.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the Mayor and City Council of the City of Nokomis, Illinois.

SECTION 2: Section 1-2-24 of the Revised Code of Ordinances is hereby amended to read as follows:

1-2-24 CITY ATTORNEY.

(A) **Office Abolished.** The Office of City Attorney is abolished.

(B) **Powers and Duties Transferred.** The powers and duties of the Office of City Attorney, as may be or have been provided in this Code, are transferred to and vested in the Mayor. To the extent any such powers or duties require the services of an attorney licensed in the State of Illinois, or if the Mayor determines that such powers or duties are best exercised by an attorney licensed in the State of Illinois, then the Mayor shall designate and contract with an attorney or law firm, subject to the approval of the City Council, for such services.

(C) **References to City Attorney.** All references to "City Attorney" in this Code shall mean the Mayor or the attorney or law firm designated by the Mayor and approved by the City Council, as the case may be.

(D) **Termination of Services.** The City may terminate the services of its legal counsel as provided by law, as in the case of any contract.

SECTION 3: All ordinances and parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent that they may conflict.

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 take effect upon its passage and publication as required by law.

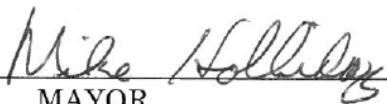
SECTION 6: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 7: The City Clerk shall publish this Ordinance in pamphlet form and see to inclusion of this Ordinance in the next update of the City Code of Ordinances.

Adopted this 9th day of August, 2021, by roll call votes as follows:

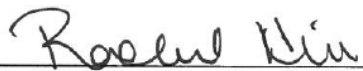
AYE: 5
NAY: _____
ABSENT: _____
PRESENT: 5

APPROVED by the Mayor of the City of Nokomis, Illinois this 9th day of August, 2021.



MAYOR

ATTEST:



CITY CLERK

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF NOKOMIS)

CERTIFICATE

I certify that I am the duly elected Municipal Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof.

I further certify that the foregoing is a true, complete, and correct copy of Ordinance No. 2082 of said City; that said Ordinance, entitled:

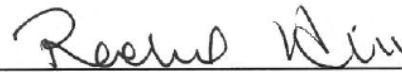
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was passed by the City Council of the City of Nokomis, Montgomery County, Illinois, by ye and nay vote on the 9th day of August, 2021; that said Ordinance was approved by the Mayor on the 9th day of August, 2021; and that said Ordinance was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance 2082 provided by its terms that it should be published in pamphlet form; that the pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the City Hall, commencing on the 10th day of August, 2021, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 10th day of August, 2021.

(SEAL)



City Clerk