
THE VILLAGE OF BRADLEY
KANKAKEE COUNTY, ILLINOIS

ORDINANCE
NUMBER 0-4-19-12

**AN ORDINANCE AMENDING THE VILLAGE OF BRADLEY CODE OF
ORDINANCES TO AUTHORIZE THE TRUSTEES TO RETAIN INDEPENDENT
LEGISLATIVE COUNSEL AND TO RETAIN COUNSEL**

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Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of

Bradley
on April 29, 2019

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**AN ORDINANCE AMENDING THE VILLAGE OF BRADLEY CODE OF
ORDINANCES TO AUTHORIZE THE TRUSTEES TO RETAIN INDEPENDENT
LEGISLATIVE COUNSEL AND TO RETAIN COUNSEL**

WHEREAS, the Village of Bradley (the "Village") is an Illinois non-home rule municipal corporation located in Kankakee County, Illinois, organized and operating pursuant to the Constitution and laws of the State of Illinois;

WHEREAS, the Trustees may, from time-to-time, have divergent views and perspectives on issues coming before the Village Board due to political, philosophical, and policy-making differences from that of the Village President; and

WHEREAS, the Village currently employs a Village Attorney and the functions of that attorney principally relate to services for the executive branch of government; and

WHEREAS, the Trustees may, from time-to-time, choose not to seek legal counsel from the Village Attorney, who was appointed by the President or his predecessor, and in the exercise of their legislative duties, may wish to seek independent legal counsel; and

WHEREAS, Section 8-1-7 of the Illinois Municipal Code, 65 ILCS 5/8-1-7, authorizes the corporate authorities of any municipality to make contracts for a term exceeding one year, and not exceeding the term of the mayor or president, relating to the employment of a municipal attorney and the employment of outside professional consultants such as attorneys who require technical training or knowledge; and

WHEREAS, the Illinois Municipal Code authorizes municipal legislative bodies to retain independent legislative counsel, whether or not an official Village Attorney has been duly appointed by the President (*Village of Westmont v. Lenihan*, 301 Ill.App.3d 1050 (2nd Dist. 1999), citing 65 ILCS 5/8-1-7(b)); and

WHEREAS, the Village has previously appropriated funds in its budget for the current fiscal year for purposes including the provision of legal services for Trustees;

WHEREAS, the Corporate Authorities have determined that it is in the best interests of the Village to retain independent legislative counsel.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, as follows:

SECTION 1. RECITALS.

That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. LEGISLATIVE COUNSEL AMENDMENT.

Chapter 2 (“Administration”), Article III (“Officers and Employees”), Division 4 (“Attorney”) of the Village Code of the Village of Bradley shall be, and hereby is, amended by adding a new Section 2-202, as follows:

§ 2-202. Legislative Counsel.

It is in the best interests of the Village of Bradley for the Trustees to retain legislative counsel independently to advise the Trustees on matters relating to their legislative duties which may include, but are not limited to, the drafting of ordinances, contract documents, opinions on the powers of the legislative branch, analysis of the validity of actions taken by the Village, review of litigation issues, representation of the corporate authorities regarding legislative matters in litigation, and providing other advice on matters within the purview of the legislative branch of municipal government. The Trustees shall each be authorized to direct questions related to their legislative duties to the independent legislative counsel. Trustees may seek legal counsel regarding any matters within the range of items specified above. The independent legislative counsel will indicate on their invoices the Trustee who initiated the contact with them and will also provide a general description of the services provided. The independent legislative counsel shall be retained as an independent contractor at a rate authorized by the Village Board through the approval of invoices for a term in excess of one year but not exceeding the term of the Village President. No department or office of independent legislative counsel is hereby created.

SECTION 3. RETENTION OF THE LAW FIRM OF BOYD LEGAL SERVICES P.C. TO SERVE

AS INDEPENDENT LEGISLATIVE COUNSEL

The law firm of BOYD LEGAL SERVICES, P.C., of Bourbonnais, Illinois, (hereafter "Boyd Legal") is hereby retained as an independent contractor to serve at the pleasure of the Trustees as independent Legislative Counsel to the Trustees and as a professional consultant at the initial rate of \$150.00 per hour for attorneys, plus expenses incurred, electronic research charges, copying fees, and messenger costs. The aforesaid rate may be changed from time to time by the approval of invoices at another rate. The term of this contractual relationship shall be for a term in excess of one year but not exceeding the term of the Village President. The contract can be terminated by Board action or by Boyd Legal, but all charges incurred by the Village prior to termination shall be paid.

SECTION 4. ORDINANCE-DRAFTING AUTHORITY AMENDMENT.

Section 2-201 of the Village of Bradley Code of Ordinances ("Preparation of Ordinances") shall be, and hereby is, amended to read as follows (additions **underlined in bold**, deletions marked with ~~strikethrough~~):

Sec. 2-201. - Preparation of ordinances.

All ordinances shall be prepared by the village attorney **or independent legislative counsel to the trustees**. No ordinance shall be prepared for presentation to the board of trustees unless ~~ordered~~**requested** by a ~~majority vote~~ **two (2)** of the trustees then holding office or requested by the mayor or prepared by the village attorney on his own initiative.

SECTION 5. RESOLUTION OF CONFLICTS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 7. EFFECTIVENESS.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SO ORDAINED this 29th day of April, 2019, at Bradley, Kankakee County, Illinois, by roll call vote:

AYES: 5

NAYS: 1 Redmond

ABSENT:

ABSTAIN:

APPROVED THIS 29th DAY OF April, 2019

Michael Watson
~~Bruce Adams, Village President~~
MICHAEL WATSON MAYOR PAP TEM

(SEAL)

ATTEST:

Terese M. Ruppert
~~Michael LaGesse, Village Clerk~~
DEPUTY

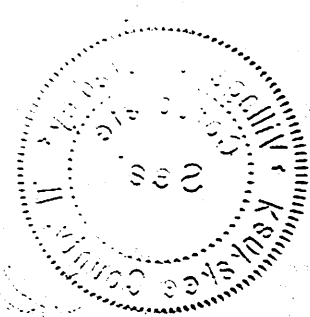
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W. G. P.

February 1, 1901

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