

1 Sec. 2-261 - Corporation counsel.

2 (a) The corporation counsel is the chief legal officer of
3 the city. Except as provided by ordinance, the
4 corporation counsel, individually and through any
5 attorney acting on his or her behalf or direction, shall
6 be the exclusive legal representative of the city and
7 its officers and employees in their official capacity.

8 (b) The duties of the corporation counsel shall include:

- 9 1. Rendering oral and written legal opinions on any
10 question affecting the city or any officer or employee
11 thereof in his or her official capacity, upon the
12 request of the mayor, the council, or the head of any
13 department;
- 14 2. Preparing all written legal documents, contracts, or
15 leases or examine any such documents submitted to the
16 city and rendering assistance or advice to any city
17 official in preparing the same upon the request of
18 the mayor, the council, or the head of any department;
- 19 3. Assisting members of the council in drafting
20 ordinances or amendments thereto upon the request of
21 the mayor or any alderman, examining all matters
22 submitted to the council, and advising the council as
23 to each matter's legality;

- 1 4. Prosecuting and defending all civil actions on behalf
2 of the city or any of its officers or employees in
3 their official capacity and having charge over such
4 actions;
- 5 5. Commencing and prosecuting all administrative, civil,
6 criminal, or quasi-criminal actions, suits, and
7 complaints, whether before an administrative or
8 judicial tribunal, related to the enforcement of any
9 provision of the city code, the abatement of statutory
10 or common law nuisances of any kind, or any other
11 matter which the law may permit the corporation
12 counsel to bring on behalf of the city in furtherance
13 of the health, safety, morals, and general welfare of
14 its inhabitants and when necessary, resolving by
15 compromise any such matter in the best interests of
16 the city and its inhabitants;
- 17 6. Advising city officials as to the enforcement of any
18 laws or ordinances upon request;
- 19 7. Collecting any default in the payment of any fine or
20 penalty or installment of any fine or penalty owed to
21 the city, and enforcing all judgements of the city in
22 the appropriate forum;

- 1 8. Serving as the head of the law department, managing
2 its functions and employees, and assigning staff to
3 its functional divisions;
- 4 9. Oversight, review, and approval of all legal work
5 performed by any attorney undertaking legal
6 representation of the city or rendering advice to any
7 city officer or employee in his or her official
8 capacity regardless of said attorney's status as an
9 employee or contractor of the city;
- 10 10. Representing the interests of the city before any
11 executive, legislative, judicial, or administrative
12 body;
- 13 11. Overseeing the administrative hearing program;
- 14 12. Overseeing risk management functions;
- 15 13. Performing any other duties authorized or required
16 by law, judicial precedent, motion, resolution, or
17 ordinance of the city council, or the administrative
18 direction of the mayor.
- 19 (c) The corporation counsel shall have the authority to
20 settle on behalf of the city or its officer and employees
21 in their official capacity, and without further action
22 by the city council, claims brought against the city or
23 an officer or employee thereof in the manner and to the
24 extent as the city council may authorize by resolution

1 from time-to-time whether or not such claims are made
2 through litigation.

3 (d) The corporation counsel may, with the approval of the
4 mayor and subject to the limitations imposed by the
5 annual budget, engage such special counsel as may be
6 required to assist the corporation counsel in the
7 performance of his or her duties.

8 Sec. 2-262 - Assistant corporation counsel.

9 (a) Whenever the city council determines assistant
10 corporation counsels are required to assist the
11 corporation counsel in the performance of his or her
12 duties, it may authorize the appointment of such
13 assistants as part of the annual city budget.

14 (b) When the city council has authorized the appointment of
15 assistant corporation counsels, the corporation counsel
16 shall recommend a candidate for each available position
17 for appointment by the mayor.

18 (c) Upon appointment by the mayor and the approval of the
19 city council, an assistant corporation counsel shall
20 take the oath of office in the same manner as the
21 corporation counsel, shall be an officer of the city,
22 and shall be under the direction and supervision of the
23 corporation counsel.

1 (d) To the extent authorized by the corporation counsel,
2 each assistant corporation counsel shall have all the
3 powers and duties of the corporation counsel and all
4 acts done by an assistant corporation counsel in said
5 capacity shall be regarded as if done by the corporation
6 counsel.

7 (e) The corporation counsel may further define the powers
8 and duties of an assistant corporation counsel and
9 direct an assistant to perform specialized tasks or
10 functions, which may include, but are not limited to
11 focused involvement in and support of aldermanic
12 functions, community engagement, code enforcement, law
13 enforcement, economic development, risk management and
14 general quality of life matters.

15 (f) The city council may authorize multiple job
16 classifications for persons appointed as assistant
17 corporation counsels.

18 Sec. 2-263 - Unavailability of the corporation counsel or
19 vacancy in the office; conflicts.

20 (a) In the event of the unavailability of the corporation
21 counsel for a period not to exceed fourteen (14) days, the
22 corporation counsel shall designate an assistant
23 corporation counsel to act in his or her stead during such
24 absence.

1 (b) In the event of the unavailability of the corporation
2 counsel for a period exceeding fourteen (14) days or
3 whenever there is a vacancy in the office, the mayor may,
4 in his or her discretion, (1) designate an assistant
5 corporation counsel to serve as acting corporation counsel,
6 or (2) with the advice and consent of the city council,
7 appoint some other qualified attorney to serve as acting
8 corporation counsel. An acting corporation counsel
9 designated or appointed under this paragraph shall serve
10 at the pleasure of the mayor and until the corporation
11 counsel becomes available or a new corporation counsel is
12 appointed, confirmed by the city council, and qualified,
13 as the case may be.

14 (c) Whenever the corporation counsel is in any way interested,
15 personally or on behalf of another, in any matter on which
16 he or she may be called upon to provide advice or prosecute
17 or defend in an administrative or judicial forum, or is
18 otherwise unable to continue to represent the city or its
19 officers on a matter consistent with the rules of
20 professional conduct applicable to attorneys, the
21 corporation counsel shall notify the mayor promptly that a
22 conflict exists and recuse himself or herself from any
23 further involvement in the matter. The mayor shall
24 thereafter direct an assistant corporation counsel to take

1 charge of the matter on behalf of the city, directly or
2 through the engagement of special counsel.

1 Sec. 2-285. - Law department.

2 (a) The corporation counsel is the head of the law
3 department.

4 (b) The law department shall consist of the corporation
5 counsel, any assistant corporation counsels authorized
6 by the city council, and employees of other job
7 classifications as authorized by the city council and
8 subject to budgetary and headcount restrictions.

9 (c) The functions of the law department shall include all
10 powers and duties vested in the corporation counsel by
11 law or ordinance as well as any other functions
12 established by state law, city ordinance or resolution,
13 or the administrative direction of the mayor.

14 (d) The law department is divided into the following
15 functional divisions:

16 1. The division of administrative hearings. The division
17 of administrative hearings shall conduct
18 administrative adjudication proceedings for
19 departments and agencies of the city other than those
20 proceedings required by law or ordinance to be
21 conducted by another officer.

22 2. The division of legal counsel. The division of legal
23 counsel shall provide for the legal representation of

1 the city and its officers and employees in their
2 official capacity.

3 3. The division of risk management. The division of risk
4 management shall review, adjust, process, and pay
5 claims made against the city, or its officers and
6 employees in their official capacities and advise the
7 same as to risk management best practices.

8 4. The division of prosecution services. The division of
9 prosecution services shall be responsible for the
10 prosecution of all actions related to the enforcement
11 of state law, the city code, the abatement of
12 nuisances or the exercise of the city's police power.