



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Elizabeth Hannan, Human Resources & Finance Director / CFO

DATE: September 9, 2021

SUBJECT: **Revised Code Amendment on Appointments and Civil Service**

In response to City Council direction at the September 7 Committee of the Whole meeting, a revised Ordinance amending the City Code is attached. A strikeout version of the Ordinance showing changes between the Ordinance provided with the Council packet for August 16 and the new version is also attached. There was not adequate time to prepare a strike out version showing all changes between the current and proposed code language.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 2 (ADMINISTRATION), SECTIONS 2-42 (APPOINTMENT), 2-43 (TERM), 2-70 (APPOINTMENT), 2-99 (CIVIL SERVICE SYSTEM); CHAPTER 5 (BUILDING, FIRE, AND FLOOD SAFETY CODES), SECTION 5-12 (APPOINTMENT); AND CHAPTER 25 (VEGETATION), SECTION 25-48 (APPOINTMENT)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and, except as may be specifically pre-empted within a particular state statute, may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the Mayor and City Council wish to clarify the process for appointing certain staff positions; and,

WHEREAS, the Mayor and City Council wish to promote good government, professional management practices, and a stable work force.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

A. Urbana City Code Chapter 2, “Administration”; Article III, “Officers”; Division I, “Generally”; shall be and hereby is amended to provide as set forth in the title, headings, and text thereof below:

“Sec. 2-42. Appointment.

The following appointed officers shall be appointed by the mayor with the advice and consent of the city council, subject to inclusion in the annual budget: city administrator, finance director, city attorney, chief of police, chief of the fire department, director of public works, director of community development services, deputy finance director, deputy chief of police, deputy chief of the fire department, deputy director of public works, city engineer, human rights and equity officer, information technology manager, and any special advisor to the executive branch.

When bringing forth appointments to the City Council, the mayor shall provide a summary of each appointee’s qualifications for the office to which they are proposed to be appointed or reappointed two weeks prior to appointment.

Upon request, the mayor or their designee shall meet with members of the City Council for confidential review of records related to a proposed appointee’s performance and qualifications, subject to any limitations and/or restrictions in all applicable laws.”

Sec. 2-43. Term.

The terms of office and conditions of employment for appointed employees of the City shall be established by the mayor. The term of the appointment shall be specified by the mayor at the time each candidate is put forth for appointment or reappointment. However, no term of appointment for any appointee shall exceed two (2) years or exceed the appointing mayor's elected term, unless otherwise specified.”

B. Urbana City Code Chapter 2, “Administration”; Article III, “Officers”; Division IV, “Finance Director”; shall be and hereby is amended to repeal section 2-70 “Appointment” in its entirety.

C. Urbana City Code Chapter 2, “Administration”; Article V, “Employees”; Section 2-99, “Civil Service System”; Subsections (1) and (2)a.; shall be and hereby are amended to provide as set forth in the title, headings, and text thereof below:

“By exercise of its Home Rule powers, the Urbana City Council declares that those provisions of Division 1, Article 10 of the Illinois Municipal Code that conflict with this ordinance are hereby nullified and the provisions of the ordinance shall govern in the administration of the Civil Service System in the City of Urbana.

- (1) Officers who are elected by the people, or who are elected by the corporate authorities pursuant to ordinance or law, or whose appointment is subject to confirmation by the corporate authorities, judges of election, seasonal employees, which means those persons whose employment does not exceed two hundred forty (240) work days in any fiscal year, all part time employees, which means those persons who work thirty-five (35) hours or less where the standard work week is forty (40) hours or more per week, shall not be included in such classified service. No other positions shall be excluded from such classified service.
- (2) a. The mayor or their designee, as appointing authority for civil service, shall notify the commission of that fact, and the commission shall certify to the appointing authority a pool of candidates consisting of the names and addresses of all available candidates on the original entry registry for consideration. Alternatively, if there are more than thirty (30) candidates on the register, the appointing authority may request either that the commission limit the pool to the thirty (30) candidates standing highest upon the original entry register or to a pool in excess of thirty (30) candidates if the commission determines that certification of a larger pool would provide a more diverse candidate pool, better serve the needs of the department or office, and/or improve equity. The candidates' names shall be submitted to the appointing authority in alphabetical order and without any indication of ranking of the candidates. The appointing authority may select any candidate referred. If no candidate is found to fully meet the requirements or needs of the available position, the appointing authority may request one or more supplemental lists of certified candidates. The commission shall determine the number of candidates to be referred on a supplemental list. Consistent with the intent of this paragraph, any public posting of an original entry eligibility list, register or list of certified candidates shall be in alphabetical order without any indication of ranking of

the candidates. Public posting of such lists shall not be required unless directed by the civil service commission or chief examiner.”

D. Urbana City Code Chapter 2, “Administration”; Article V, “Employees”; Section 2-99, “Civil Service System”; Subsections (4)b.1. and (4)b.2.; shall be and hereby are amended to provide as set forth in the title, headings, and text thereof below:

(4) “b. Extension of probation.

1. At or before the expiration of the period of probation, the appointing authority may extend the period of probation, but only if both the candidate and the candidate’s lawful collective bargaining representative (in cases where the candidate is represented as a member or fair-share dues paying member) agree in writing to such extension.

2. The cumulative length of the probationary period together with all extensions shall not be more than double the initial period, unless because of the unique circumstances of the candidate, the candidate has not worked at full duty in the position for a period equaling at least the initial period, so that the appointing authority has not had adequate opportunity to evaluate the candidate’s performance. Pursuant to 65 ILCS 5/10-1-7(1) the cumulative length of probation of any firefighter appointed to the lowest rank shall not exceed one year unless the position includes paramedic responsibilities.”

E. Urbana City Code Chapter 2, “Administration”; Article V, “Employees”; Section 2-99, “Civil Service System”; shall be and hereby is amended to repeal subsection (4)b.3. in its entirety.

F. Urbana City Code Chapter 2, “Administration”; Article V, “Employees”; Subsection (4)c.; shall be and hereby is amended to provide as set forth in the title, headings, and text thereof below:

“c. Discharge. At or before the expiration of the period of probation, including any extensions, the appointing authority may discharge the candidate upon stating in writing the appointing authority’s reason therefor to the commission.”

G. Urbana City Code Chapter 2, “Administration”; Article V, “Employees”; Section 2-99, “Civil Service System”; Subsection (7); shall be and hereby is amended to provide as set forth in the title, headings, and text thereof below:

(7) “To prevent stoppage of public business, or to meet extraordinary emergencies, the appointing authority may temporarily fill a position to remain in force not exceeding six (6) months, and only until regular appointments under provisions of civil service can be made.”

H. Urbana City Code Chapter 5, “Building, Fire and Flood Safety Codes”; Article II, “Building Official”; shall be and is hereby amended to repeal Section 5-12, “Appointment” in its entirety.

I. Urbana City Code Chapter 25, "Vegetation"; Article II, "Trees, Plants and Shrubs"; shall be and hereby is amended to repeal section 25-48 "Appointment" in its entirety.

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Diane Wolfe Marlin, Mayor

STRIKE OUT VERSION

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 2 (ADMINISTRATION), SECTIONS 2-42 (APPOINTMENT), 2-43 (TERM), 2-70 (APPOINTMENT), 2-99 (CIVIL SERVICE SYSTEM); CHAPTER 5 (BUILDING, FIRE, AND FLOOD SAFETY CODES), SECTION 5-12 (APPOINTMENT); AND CHAPTER 25 (VEGETATION), SECTION 25-48 (APPOINTMENT)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and, except as may be specifically pre-empted within a particular state statute, may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the Mayor and City Council wish to clarify the process for appointing certain staff positions; and,

WHEREAS, the Mayor and City Council wish to promote good government, professional management practices, and a stable work force.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

A. Urbana City Code Chapter 2, “Administration”; Article III, “Officers”; Division I, “Generally”; shall be and hereby is amended to provide as set forth in the title, headings, and text thereof below:

“Sec. 2-42. Appointment.

~~There may be appointed by the mayor with the advice and consent of the city council, the following officers: city administrator, finance director, city attorney, chief of police, chief of the fire department, director of public works, director of community development services, deputy finance director, deputy chief of police, deputy chief of the fire department, deputy director of public works, city engineer, and human rights and equity officer.~~

The following appointed officers shall be appointed by the mayor with the advice and consent of the city council, subject to inclusion in the annual budget: city administrator, finance director, city attorney, chief of police, chief of the fire department, director of public works, director of community development services, deputy finance director, deputy chief of police, deputy chief of the fire department, deputy director of public works, city engineer, human rights and equity officer, information technology manager, and any special advisor to the executive branch.

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When bringing forth appointments to the City Council, the mayor shall provide a summary of each appointee's qualifications for the office to which they are proposed to be appointed or reappointed two weeks prior to appointment.

Upon request, the mayor or their designee shall meet with members of the City Council for confidential review of records related to a proposed appointee's performance and qualifications, subject to any limitations and/or restrictions in all applicable laws."

Sec. 2-43. Term.

~~The terms of office and conditions of employment for appointed employees of the City shall be established by the mayor. However, no term of appointment for any appointee shall exceed the appointing mayor's elected term."~~

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B. Urbana City Code Chapter 2, "Administration"; Article III, "Officers"; Division IV, "Finance Director"; shall be and hereby is amended to repeal section 2-70 "Appointment" in its entirety.

C. Urbana City Code Chapter 2, "Administration"; Article V, "Employees"; Section 2-99, "Civil Service System"; Subsections (1) and (2)a.; shall be and hereby are amended to provide as set forth in the title, headings, and text thereof below:

"By exercise of its Home Rule powers, the Urbana City Council declares that those provisions of Division 1, Article 10 of the Illinois Municipal Code that conflict with this ordinance are hereby nullified and the provisions of the ordinance shall govern in the administration of the Civil Service System in the City of Urbana.

(1) Officers who are elected by the people, or who are elected by the corporate authorities pursuant to ordinance or law, or whose appointment is subject to confirmation by the corporate authorities, judges of election, seasonal employees, which means those persons whose employment does not exceed two hundred forty (240) work days in any fiscal year, all part time employees, which means those persons who work thirty-five (35) hours or less where the standard work week is forty (40) hours or more per week, shall not be included in such classified service. No other positions shall be excluded from such classified service.

(2) a. The mayor or their designee, as appointing authority for civil service, shall notify the commission of that fact, and the commission shall certify to the appointing authority a pool of candidates consisting of the names and addresses of all available candidates on the original entry registry for consideration.~~The mayor or their designee shall notify~~

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“c. Discharge. At or before the expiration of the period of probation, including any extensions, the appointing authority may discharge the candidate upon stating in writing the appointing authority’s reason therefor to the commission.”

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STRIKE OUT VERSION

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Diane Wolfe Marlin, Mayor