



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and City Council Members
FROM: Carol Mitten, City Administrator
DATE: September 16, 2021
RE: An Ordinance Amending City Code Chapter 19 (Civilian Police Review Board Ordinance – Conformance with FOP Contract)

Introduction

The attached draft Ordinance will amend the CPRB Ordinance to conform to the recently approved Collective Bargaining Agreement between the City of Urbana and the Fraternal Order of Police (FOP).

Background

When the Urbana Civilian Police Review Board (CPRB) was created, there was a contemporaneous Side Letter to the then-current FOP contract that memorialized certain requirements and restrictions on the CPRB Ordinance.

In the version of the Side Letter that was included in the FOP contract approved by Council on September 13, 2021, the following language was struck from the Side Letter:

- B. Complaints against an officer must be signed and sworn by a person with personal knowledge of the incident and language will be included in the CPRB Ordinance that false complaints shall be subject to prosecution.

Discussion

The proposed amendments to the CPRB Ordinance will bring it into conformance with the current FOP contract.

The FOP contract is retroactive to July 1, 2020. I have reviewed the CPRB complaints that were received on or after July 1, 2020, and none of those complaints would be impacted by these changes.

Recommendation

I recommend that the Ordinance be forwarded to Council with a recommendation for approval and placed on the Consent Agenda.

Attachment: Draft Ordinance

ORDINANCE NO. 2021-09-xxxx

**AN ORDINANCE AMENDING CITY CODE CHAPTER 19
(Civilian Police Review Board Ordinance – Conformance with FOP Contract)**

WHEREAS, the City Council of the City of Urbana (“City Council”) approved the Collective Bargaining Agreement effective July 1, 2020 through June 30, 2023 between the City of Urbana and the Fraternal Order of Police (“FOP”) on September 13, 2021; and

WHEREAS, the Collective Bargaining Agreement eliminated language that affects the Urbana Civilian Police Review Board (“CPRB”) Ordinance; and

WHEREAS, the City Council desires to amend the CPRB Ordinance to bring it into conformance with the current Collective Bargaining Agreement with the FOP.

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

Section 1.

Urbana City Code Chapter 19, “Police,” Article III, Civilian Police Review Board, Division 2, “Complaint Procedures, Investigation and Mediation,” Section 19-28, “Definition of complaints; filing of complaints” is hereby amended as follows (deleted language is show in ~~strike through~~; added language is underlined):

Sec. 19-28. – Definition of complaints; filing of complaints.

For the purposes of this division, a “complaint” is a written allegation of misconduct lodged against a sworn police officer.

...

(c) ~~A complaint shall be a sworn statement attesting to the truthfulness of the allegations made. Complaint forms shall contain a written statement that anyone making willfully or intentionally false allegations within the sworn complaint may be subject to prosecution. An~~

~~explanatory statement shall state that a finding that the complaint is unfounded or not sustained shall not necessarily be construed as a false statement.~~

~~(d) Complaints shall be based upon a first-hand account either by the person involved in the incident or a witness to the incident, except that a A minor shall be represented by a parent or guardian in all matters pertaining to the complaint.~~

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 or action required 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 _____, 2021.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2021.

Diane Wolfe Marlin, Mayor