



LEGAL DIVISION
400 S. Vine Street
Urbana, IL 61801-0219
(217) 384-2464
Fax: (217) 384-2460

DATE: August 9, 2018

TO: Diane Wolfe Marlin, Mayor

CC: Carol Mitten, City Administrator; Elizabeth Hannan, Finance Director; Todd Rent, Human Resources Director

FROM: James L. Simon, City Attorney

RE: Appointed City Officers – Amendments to Urbana City Code to Reflect Current Practices.

In recent years, there have been a number of title changes within the City of Urbana’s governmental administration. These changes have included changing the title of Comptroller to Finance Director and changing the title of Administrative Officer (sometimes referred to as the Chief Administrative Officer) to City Administrator. Likewise, while the City Council created the office of Budget Director, no person has been formally appointed to that office since prior to 2010. Rather, the Comptroller and, since October 2014, the Finance Director have performed the functions of Budget Director without appointment. Likewise, the City Council created the position of City Treasurer but no person has served in that capacity for years. The Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*) requires that the City appoint or designate a “budget officer.” 65 ILCS 5/8-2-9.1.

The enclosed ordinance is intended to codify the changes in officer titles noted above and to provide that the appointment of an individual to the office of Finance Director shall also constitute that person’s appointment as Budget Director. It is also intended to delete the offices to which no appointments have been made for years.

The Legal Division recommends that the City Council adopt the attached ordinance.

ORDINANCE NO. 2018-08-054

AN ORDINANCE AMENDING URBANA CITY CODE SECTIONS 2-53, 2-54, 2-55, 2-69, 2-70, 2-71 AND 2-129 REGARDING CITY ADMINISTRATIVE POSITIONS

(UCC changes to reflect changes in officer titles)

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 may exercise any power and perform any function pertaining to its government and affairs, including the power to establish and maintain its governmental administrative structure; and

WHEREAS, in 1975, the City Council created the office of Administrative Officer (Code 1975 Sec. 2.77; UCC [“UCC”] Sec. 2-53); and

WHEREAS, in 1975, the City Council created the office of Budget Director (Code Sec. 2.80) (UCC Sec. 2-129); and

WHEREAS, UCC Sec. 2-55(3) provides that the Administrative Officer shall “serve as budget director”; and

WHEREAS, since 2007, the Mayor has neither appointed nor has the City Council advised or consented to the appointment of any individual to serve as Administrative Officer; and

WHEREAS, by Ordinance No. 7879, the City Council established the office of City Comptroller (UCC Sec. 2-69); and

WHEREAS, since some time prior to 2010, neither the Mayor has appointed nor has the City Council advised or consented to the appointment of any individual to serve as the Budget Director but, rather, leaving the duties of that position to be performed by the Comptroller; and

WHEREAS, by Ordinance No. 2014-10-098, the City Council changed the title of the Comptroller to Finance Director but such change has not been formally reflected in the Urbana City Code; and

WHEREAS, on May 29, 2018, the Mayor appointed and the City Council provided its advice and consent to the Mayor’s appointment of Carol Mitten to serve as City Administrator thereby, *de facto*, changing the title of the Administrative Officer to City Administrator; and

WHEREAS, the change in title of Administrative Officer to City Administrator has not been formally reflected in the Urbana City Code; and

WHEREAS, the City Council deems it necessary and appropriate to reflect the above-described changes in City administration in the UCC.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana,

Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 2, “ADMINISTRATION”, ARTICLE III, “OFFICERS”, DIVISION 2, “ADMINISTRATIVE OFFICER”, Sections 2-53, “Office created”, 2-54, “Qualifications”, and 2-55, “Duties”, DIVISION 3, “CITY COLLECTOR”, Sections 2-63, “Office created”, 2-64, “Comptroller to serve as city collector”, DIVISION 4, “CITY COMPTROLLER”, Sections 2-69, “Office established”, 2-70, “Appointment”, 2-71, “Performance of duties prior to appointment”, ARTICLE VI, “FINANCE AND PURCHASES”, DIVISION 2, “BUDGET” Section 2-129, “Budget director – Establishment of office”, shall be and hereby are amended as follows, with language appearing as stricken-through being deleted and with language appearing as underlined being added:

CHAPTER 2. – ADMINISTRATION

ARTICLE III. – OFFICERS

DIVISION 2. – ~~ADMINISTRATIVE OFFICER~~CITY ADMINISTRATOR

Sec. 2-53. – Office created.

There is hereby created the office of ~~administrative officer~~city administrator. The office of administrative officer is discontinued. All references in this Code to “administrative officer” and “chief administrative officer” shall be to the city administrator.

Sec. 2-54. – Qualifications.

The ~~administrative officer~~city administrator shall have qualifications substantially equivalent to a city manager, including educational and professional training or experience in administrative and management principles and procedures.

Sec. 2-55. – Duties.

The duties of the ~~city administrator~~city administrator shall be:

- (1) To aid and assist the mayor in the formulation and development of policies, programs and procedures, as established by the mayor and the city council, and to supervise and administer the implementation of such policies, programs and procedures;
- (2) To recommend to the mayor the appointment of heads of all departments and divisions subject to appointment as provided by law or in this Code or other ordinance;
- ~~(3) To serve as budget director, as such duties are provided for;~~
- ~~(4)~~ (3) To provide for the development and dissemination of sufficient information relating to the business of the city;

(54) To direct the general operations and business of all departments and divisions of the city, and to provide for communications within the city among the various departments and divisions, and to provide for coordinated planning of the various activities and duties thereof, provided that nothing herein shall be construed to remove direction and supervision vested city clerk by statute or ordinance, nor shall this division be construed as altering the lawful powers and duties of the mayor;

(65) To assist the mayor in the enforcement of all laws and ordinances within the municipality;

(76) To perform such other duties as may be directed by the mayor.

DIVISION 3. – CITY COLLECTOR

Sec. 2-63. - Office ~~created~~discontinued.

The office of city collector is hereby ~~created~~discontinued.

~~Sec. 2-64. — Comptroller to serve as city collector.~~

~~—The comptroller shall hold the office of, and serve as, city collector, unless and until otherwise provided by ordinance of the city council.~~

DIVISION 4. – ~~CITY COMPTROLLER~~FINANCE DIRECTOR

Sec. 2-69. – Office established.

There is hereby created the office of finance director. The office of city comptroller is hereby ~~established~~discontinued. All references in this Code to “comptroller” or “city comptroller” shall be to the finance director.

Sec. 2-70. - Appointment.

Annually and whenever vacancies occur in such office, the ~~city comptroller~~finance director shall be appointed by the mayor with the approval of the city council.

Sec. 2-71. – Performance of duties prior to appointment.

Until such time as a ~~city comptroller~~finance director is both duly appointed and approved in accordance with section 2-70 and also commences to perform the duties conferred upon that office by statute or ordinance, all provisions of law relating to the powers and duties of that office shall be performed by such other officers of the city as are currently so designated to exercise and perform those powers and duties under state law and this code.

ARTICLE VI. – FINANCES AND PURCHASES

DIVISION 2. – BUDGET

Sec. 2-129. – Budget director-Establishment of office.

~~The mayor shall appoint a budget director in accordance with this Code to serve at the pleasure of the mayor. The budget director may hold other positions or offices with the city and may be paid an additional salary for budget director.~~ The finance director shall undertake and perform the duties of the office of budget director. The mayor's appointment of and the city council's approval of the appointment of a finance director shall constitute and be deemed to also include that officer's appointment and designation as the budget director.

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 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:

Charles A. Smyth, City Clerk

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

Diane Wolfe Marlin, Mayor