



LEGAL DIVISION
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DATE: November 5, 2018

TO: City Council

CC: Diane Wolfe Marlin, Mayor; Carol Mitten, City Administrator

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 offices of City Collector and Budget Director, no person has been formally appointed to either of those offices since prior to 2010. Rather, the Comptroller and, since October 2014, the Finance Director have performed the functions of Budget Director and Collector without appointment. On August 22, 2018, the City Council approved Ordinance No. 2018-08-054 which created the offices of City Administrator and Finance Director and which discontinued the offices of Comptroller, City Collector, and Budget Director and transferred the responsibilities of those three officers to the Finance Director. Recently, the official host of the Urbana City Code (MuniCode Corporation) found several discrepancies in Ordinance No. 2018-08-054 and recommended that it be repealed and replaced with a more comprehensive ordinance be adopted.

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. 2018-11-077

**AN ORDINANCE REPEALING ORDINANCE NO. 2018-08-054
AND AMENDING URBANA CITY CODE REGARDING CHANGES IN
ADMINISTRATIVE OFFICER POSITIONS**

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) (See UCC Secs. 2-53, 2-54, 2-55) (occasionally referred to in the Urbana City Code as “Chief Administrative Officer”); and

WHEREAS, in 1975, the City Council created the office of City Collector (Code 1975 Sec. 2.43) (See UCC Secs. 2-63, 2-64, 2-65, 2-66); and

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

WHEREAS, 1979, the City Council created the office of City Comptroller (See UCC Secs. 2-69, 2-70, 2-71); and

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

WHEREAS, since some time prior to 2010, neither the Mayor has appointed nor has the City Council provided its advice or consent 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 adopted Ordinance No. 2018-08-054 that amended portions of the Urbana City Code regarding administrative officers positions but the aforesaid ordinance failed to amend other portions of the Urbana City Code to render the intended changes complete; and

WHEREAS, the City Council deems it necessary and appropriate to repeal Ordinance 2018-08-054 and to adopt this Ordinance in order to completely reflect the above-described changes in City administration in the Urbana City Code.

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

Section 1.

Ordinance 2018-08-054 shall be and hereby is repealed, effective immediately.

Section 2.

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”, 2-65 Special assessments and taxes, 2-66, “Actual costs including administrative and overhead costs in certain case; 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 text appearing as stricken-through being deleted and with text appearing as underlined being added:

CHAPTER 2. – ADMINISTRATION

ARTICLE III. – OFFICERS

DIVISION 2. - CITY ADMINISTRATOR

Sec. 2-53. - Office created.

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

Sec. 2-54. - Qualifications.

The 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 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 provide for the development and dissemination of sufficient information relating to the business of the city;
- (4) 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 in the city finance director or city clerk by statute or ordinance, nor shall this division be construed as altering the lawful powers and duties of the mayor;
- (5) To assist the mayor in the enforcement of all laws and ordinances within the municipality;
- (6) To perform such other duties as may be directed by the mayor.

Secs. 2-56—2-62. - Reserved.

DIVISION 3. - CITY COLLECTOR

Sec. 2-63. - Office discontinued.

The office of city collector is hereby discontinued. All references in this Code to “city collector” shall be to the finance director.

DIVISION 4. - FINANCE DIRECTOR

Sec. 2-69. - Office established.

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

Sec. 2-70. - Appointment.

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

Sec. 2-71. - Performance of duties.

- (a) The finance director shall perform the duties conferred upon that office by statute, ordinance, or as lawfully directed by the mayor. Until such time as a 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 or, in the absence of such states or ordinances, by the person designated by the mayor.
- (b) It shall be the duty of the finance director, into whose hands any warrant for the collection of any special assessments or special tax shall come, to send a written or printed notice to all persons whose names appear on the assessment roll or the occupants of the property assessed and by such written or printed notice inform them of such assessment or tax and request payment of the same. When payments of special assessments are made to the finance director he/she shall promptly pay the same into the city treasury. If any of such special assessments or special taxes shall not be collected upon the warrants issued therefor, then the city collector shall make return of the warrant to the city clerk, as provided by law.
 - (c) When the city is authorized by law to remove junk and debris or to mow vegetation on private property or remove dangerous and unsafe structures, the expense of abatement of such matters, including the cost of demolition, shall include, but are not limited to, the actual costs and expenses in time of city employees and the costs of material relating to the efforts of abatement of the nuisance, including overhead and administrative costs associated with such effort, or if the work is contracted out in whole or in part, the full costs of such contract, and title search costs and other related expenses, including reasonable attorney's fees, shall be collected from the person(s) who have created, continued, or suffered the nuisance or dangerous structure to exist, all in addition to any penalty or fine levied.
 - (d) If a person negligently damages or destroys city property, the damages to be recovered by the city from such person (or their insurer) shall include, but are not limited to, the actual costs and expenses in time of city employees and the costs of material relating to the efforts of repairing the damages caused by such person, including overhead and administrative costs associated with such effort, or if the work is contracted out in whole or in part, the full costs of such contract, and title search costs and other related expenses, including reasonable attorney's fees. Reasonable allowances for depreciation shall be made.

ARTICLE VI. - FINANCES AND PURCHASES

DIVISION 2. – BUDGET

Sec. 2-129. - Budget director.

The finance director shall undertake and perform the duties of the office of budget director. All references in this Code to “budget director” shall be to the finance director.

Section 3.

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 _____, 2018 .

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2018 .

Diane Wolfe Marlin, Mayor