



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and City Council Members
FROM: Carol Mitten, City Administrator
DATE: February 19, 2021
RE: Ordinance No. 2021-01-003, an Ordinance Amending Urbana City Code Chapter 12
(Exceptions to the Human Rights Ordinance)

Attached is an amended version of Ordinance No. 2021-01-003, which passed out of Committee on February 17, 2021. The only changes from the original are to Subsection 12-105(e). This additional subsection has been further refined to expand the applicability of certain Sections of Division 4 to the City, whereas the earlier language provided for complete exclusion.

The new proposed language of Subsection 12-105(e) follows:

- (e) The provisions of Division 3 and Sections 12-101 through 12-103 of Division 4 of this article shall not apply to the City of Urbana.

I recommend that the Council approve the draft Ordinance.

ORDINANCE NO. 2021-01-003

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 12

(Exceptions to the Human Rights Ordinance)

WHEREAS, the City Council of the City of Urbana (“City Council”) desires to amend the Urbana Human Rights Ordinance to clarify the jurisdiction of the Human Relations Commission; and

WHEREAS, the current language of the Human Rights Ordinance is not explicit as to whether the Human Relations Commission’s has jurisdiction over the City and its employees or agents; and

WHEREAS, this jurisdictional issue, if not clarified, would result in the City being put in the position of simultaneously prosecuting and defending itself; and

WHEREAS, the Human Relations Commission has also recognized that clarification is required and has passed a resolution requesting that the City Council clarify the Human Rights Ordinance as to the Human Relations Commission’s jurisdiction; and

WHEREAS, the City Council desires to clarify that the City, its employees and agents are not subject to the Human Rights Ordinance.

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

Section 1.

Urbana City Code Chapter 12, “Human Rights,” Article I, “In General” is hereby amended by adding Section 12-1 that shall read as follows (added language is underlined):

Sec 12-1. – Commitment

The City of Urbana shall conform to the requirements of Article III, Division 2 of this Chapter (sections 12-61 through 12-80) in its own employment practices and the provision of city services to the public.

Section 2.

Urbana City Code Chapter 12, “Human Rights,” Article II, “Commission on Human Relations,” Section 12-22 – Duties; cooperation with city offices.” is hereby amended by adding subsection (g) that shall read as follows (added language is underlined):

Sec. 12-22. – Duties; cooperation with city offices.

(g) The Commission shall receive any reports by individuals who believe that the City of Urbana is engaged in a discriminatory practice as defined in Article III, Division 2 of this Chapter. The commission shall review such reports and work with the mayor, city council, city departments, agencies, and officials in order to correct any discrimination that may exist. The commission shall notify the public of the outcome. The herein described procedure is in lieu of the compliant procedures, investigation, mediation, and enforcement proceedings articulated in Divisions 3 and 4 of this ordinance as the City is not subject to those provisions.

Section 3.

Urbana City Code Chapter 12, “Human Rights,” Article III, “Discrimination,” Division 1, “Generally,” Section 12-39, “Definitions” is hereby amended as follows, with added language underlined and deleted language shown in ~~strikethrough~~:

Sec. 12-39. – Definitions.

Person. One or more individuals, labor ~~unions~~organizations, employers, employment agencies, partnerships, associations, creditors, corporations, cooperatives, ~~legal representatives, government agency,~~ trustee, owners, or any agent or representative or any of the foregoing.

Section 4.

Urbana City Code Chapter 12, “Human Rights,” Article III, “Discrimination,” Division 4, “Administration and Enforcement,” Section 12-105, “Exceptions” is hereby amended by adding a subsection (e) underlined as follows:

Sec. 12-105. - Exceptions.

(e) The provisions of Division 3 and Sections 12-101 through 12-103 of Division 4 of this article shall not apply to the City of Urbana.

Section 5.

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 6.

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 7.

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 February, 2021.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

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

Diane Wolfe Marlin, Mayor