



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Building Safety Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: December 15, 2016

SUBJECT: A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS CONCERNING CERTIFIED HOUSING INSPECTIONS (Term of 2016 to 2019)

Description

On the December 19, 2016 agenda of the Urbana City Council is a Resolution Approving an Intergovernmental Agreement with the Board of Trustees of the University of Illinois Concerning Certified Housing Inspections (Term of 2016 to 2019). The agreement details terms and conditions for the City of Urbana to undertake and complete annual certification of private certified student housing facilities in Urbana.

Issues

The issue is whether the Council should approve the Resolution authorizing the mayor to execute the agreement.

Background

The Certified Housing program is a division of the University of Illinois Housing Department, under the Vice-Chancellor of Student Affairs. The goal of the University's Certified Housing Program is to provide safe, healthful, and educationally beneficial housing for single undergraduate students. Each facility must comply with all City and Public Health standards including electrical, plumbing, fire safety, and food sanitation and security regulations.

Since the late 1950's the City of Urbana Building Safety Division has completed annual inspections to certify that certain private student housing complies with University Certified Housing Standards, the City's Model Codes Adopting Ordinance and the City's Zoning Ordinance. This year, there are approximately 1,255 students residing in Certified Housing properties in Urbana.

To ensure compliance with City of Urbana codes, Building Safety Division Housing Inspectors annually inspect privately owned buildings in west Urbana that comprise the Certified Housing stock. Since 2008, the number of buildings inspected annually by the City has ranged from between 25 in 2008 to 22 in 2015. After all code violations are addressed, staff reinspects to verify full compliance. Initial inspections begin in early September and are typically completed by the end of the month. Follow-up inspections are usually completed by the end of October each year. However, in some cases extensions are granted to have all needed work completed by final inspection date of January 15. This allows time for work to be completed over the holiday break (when students are absent) and to schedule the final inspections. Final payment under the agreement occurs by the end of February each year.

The City sends the invoice in January with the payment due date of February 28 annually. For FY 2015-2016, the City received \$28,173 from the University for Certified Housing inspections. Due to a delay in processing, the previous agreement expired and a new agreement is needed to cover the Fall 2016 activities and to continue the arrangement through the next two fiscal years.

Discussion

Attached for review and approval is an agreement that was proposed by the University and subsequently reviewed by the City of Urbana Legal Division and Fire Department. The proposed agreement memorializes the details of the services provided and the costs that will be reimbursed to the City to allow for future budget planning for both agencies.

As with previous agreements, the proposed agreement is for three consecutive fiscal years, beginning with the current fiscal year (FY2016-2017) and allows for an annual increase of approximately 3.0% with the annual inspection process to be completed and paid by February 28th, each year.

Fiscal Impacts

Approval of the Resolution will mean that the University will annually compensate the City for the services provided as illustrated in the following table:

Term	Amount	Due Date
July 1, 2016 – June 30, 2017	\$28,173.00	February 28,2017
July 1, 2017 - June 30, 2018	\$29,018.00	February 28, 2018
July 1, 2018 - June 30, 2019	\$30,785.00	February 28, 2019

The schedule above provides for an increase of approximately 3.0% each year. The agreement also provides a mechanism for two two-year extensions with an annual increase not to exceed 3.5%.

Options

The City Council has the following options:

1. Approve the Resolution authorizing execution of the agreement.
2. Approve the Resolution, with certain specified modifications.
3. Do not approve the Resolution and provide further direction to staff.

Recommendation

Staff recommends that the City Council APPROVE the proposed Resolution approving the execution of the agreement.

Memorandum Prepared By:

John A. Schneider
Building Safety Manager

Attachments:

1. A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS CONCERNING CERTIFIED HOUSING INSPECTIONS (Term of 2016 to 2019)
2. An Agreement Between the City of Urbana and the University of Illinois Concerning Certified Housing Inspections

AN AGREEMENT BETWEEN
THE CITY OF URBANA
AND THE
UNIVERSITY OF ILLINOIS
CONCERNING CERTIFIED HOUSING INSPECTIONS

THIS AGREEMENT, made upon the date of final, executing signature, between the City of Urbana, Illinois, a municipal corporation of the State of Illinois, hereinafter referred to as the “City” and the Board of Trustees of the University of Illinois, a public corporation of the State of Illinois, hereinafter referred to as the “University.”

WITNESSETH:

WHEREAS, the University maintains an agreement with listing of privately owned buildings designated by the University as Private Certified Housing; and

WHEREAS, the City has established minimal standards for the interior and exterior conditions of a private property within the city limits including fire safety, interior occupancy standards, and exterior maintenance requirements; and

WHEREAS, the University and the City agree that it would be in their best interest to develop a program which would assure the annual inspection of Private Certified Student Housing facilities with respect to all applicable City codes and the University certified housing standards, last revised January 2016 (the “University Certified Housing Standards”).

NOW THEREFORE, in consideration of the preceding and the following premises, it is mutually agreed by the City and the University as follows:

1. Term. The initial term of this Agreement shall be from July 1, 2016 to June 30, 2019 unless terminated or extended as permitted herein.
2. Renewal. The Parties have agreed to renew this Agreement for one additional two-year term with annual costs to be determined at the time of renewal by mutual agreement and subject to Section 3 below. Such negotiations for renewal must be completed no later than sixty (60) days prior to the end of the current term.
3. Payment. The University shall pay to the City, for the initial term of this Agreement, the sums as listed below: Thereafter any cost increase for an annual term shall not exceed 3.5%.

Term	Amount	Due Date
July 1, 2016 - June 30, 2017	\$28,173.00	February 28, 2017
July 1, 2017 - June 30, 2018	\$29,018.00	February 28, 2018
July 1, 2018 - June 30, 2019	\$30,785.00	February 28, 2019

4. Inspection Services Provided. For and in consideration of the payments provided for in Section 3 above, the City agrees that it will perform the following services within the corporate limits of the City of Urbana.

- a. New Units. At the written request of the University, the City will perform, within a reasonable time of such request, an initial inspection of any building whose owner seeks to secure certified student housing designation from the University. Such inspection shall consist of an inspection to determine compliance with applicable City codes and the University Certified Housing Standards. The City shall complete a written report as to the results of such inspection.
 - b. Annual Inspection. The City shall inspect all privately owned University certified student housing between October 1 and March 1 of each year that this Agreement is in effect. The University shall provide to the City a list of such housing units prior to September 1st of each year that this Agreement is in effect. Such inspection shall consist of an inspection to determine compliance with applicable City codes and the University Certified Housing Standards. A written report with results will be transmitted to the University's Housing Information Office within fourteen (14) calendar days of the inspection. Additionally, the City shall perform such follow-up inspections as is customary in its ordinary procedures to obtain reasonable compliance with its remedial orders. The City shall prepare a written report as to the results of all reinspections, within fourteen (14) calendar days of the reinspection.
 - c. Special Requests. A reasonable number of inspections for fire safety on special occasions, such as Homecoming or Christmas parties, shall be performed by the City upon written request by the University. Such a request shall be made at least thirty (30) calendar days prior to the desired date for such an inspection, though the City may agree to performance of such an inspection with less notice.
 - d. Limited Inspection of Food Service Areas. The City will inspect the food service areas of private certified housing facilities for conformance with only the City's Property Maintenance Code.
 - e. Nuisance Properties. Nothing contained herein prevents the City from enforcing applicable ordinances and/or collecting fines/payment against properties and property owner(s) in the same manner as the City enforces Property Maintenance Code violations with non-Certified Housing rental property. The University shall not be responsible or liable for such ordinance violations, fines/costs, or for the collection of the same.
5. Enforcement. The University shall supply annually the names, mailing addresses and phone numbers of Private Certified Housing owners/operators, house counselor and corporate board president. The University shall require Private Certified Housing owners/operators and house counselors to cooperate with the City to schedule and conduct inspections and re-inspections. It is understood that an inspection will not be performed unless the property owner, operator or house counselor is available to accompany an inspector during an inspection or re-inspection. The City shall report a failure to comply by a property owner/operator to the University, which may result in immediate decertification at the University's option.
 6. Reporting. The City shall inform the University of any and all violations of the City codes or the University Housing Standards which are found to exist in any certified housing structure for which the inspection has been performed. Following each and every inspection, written notification will be sent to property owners/operators, and the Housing Information Office. The City may recommend decertification if a property owner/operator or representative fails to abate violations within the time frame that may be specified by the City or any extension thereof. Any extension shall be approved by both the City and the University.

7. Construction. Nothing in this Agreement shall be construed to abrogate or reduce in whole or in the application of the applicable provisions of the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101 *et seq.*).
8. Notices. All written notices required hereunder shall be deemed given when sent via the United States mail, postage prepaid to:

CITY	UNIVERSITY
Community Development Services Department 400 S. Vine Street Urbana, IL 61801	Office of the Vice Chancellor for Student Affairs Swanlund Administration Building 601 East John Street Champaign, IL 61820

IN WITNESS WHEREOF, the parties hereunto set their hand this day and year first above written.

CITY OF Urbana ILLINOIS, A Municipal Corporation	THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS
By: _____ Laurel Lunt Prussing, Mayor	By: _____ Walter K. Knorr, Comptroller
ATTEST: _____ City Clerk	Date: _____
Date: _____	
Approved as to form: _____ City Attorney	

RESOLUTION NO. 2016-12-072R

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS CONCERNING CERTIFIED HOUSING INSPECTIONS

(Term of 2016 to 2019)

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., authorize intergovernmental cooperation in any manner not prohibited by law or by ordinance; and

WHEREAS, the City Council finds that the best interests of the City are served by approving an intergovernmental agreement between the City of Urbana and the Board of Trustees of the University of Illinois for annual inspections of private certified student housing facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. An Agreement between the City of Urbana and the University of Illinois Concerning Certified Housing Inspections, in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor