



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and City Council Members
FROM: Carol Mitten, City Administrator
DATE: March 4, 2021
RE: Ordinance No. 2021-01-003, an Ordinance Amending Urbana City Code Chapter 12
(Human Rights Ordinance – Applicability to City of Urbana)

Attached is an amended version of Ordinance No. 2021-01-003, which passed out of Committee on March 1, 2021. The changes on the attached reflect the discussion at the Committee related to the new Section 12-22(g). The words in **bold** below have been added or change from the version that was advertised for the Committee on March 1.

(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, while maintaining the confidentiality of the complainant, shall publicly 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 Human Rights and Equity Officer and a representative of the commission shall make a presentation of the outcome to the city council.** 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.

I recommend that the Ordinance be approved by the City Council.

ORDINANCE NO. 2021-01-003

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 12

(Human Rights Ordinance – Applicability to City of Urbana)

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.

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. The City shall maintain the confidentiality of the complainant in any complaint brought against the City under this ordinance, unless otherwise waived, implicitly or explicitly, by the complainant.

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, while maintaining the confidentiality of the complainant, shall publicly 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 Human Rights and Equity Officer and a representative of the commission shall make a presentation of the outcome to the city council. 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 ~~striketrough~~:

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, the City of Urbana, or any agent or representative or any of the foregoing.

Public accommodations. All places, businesses or ~~individuals~~persons offering goods, services or accommodations to the general public.

Section 4.

Urbana City Code Chapter 12, “Human Rights,” Article III, “Discrimination,” Division 2, “Prohibited Practices” Section 12-61, “Discrimination in opportunities, generally,” Subsection (a),” is hereby amended as follows, with added language underlined and deleted language shown in ~~striketrough~~:

- (a) Every individual shall be afforded the opportunity to participate fully in the economic, cultural and intellectual life that is available in the city, which shall include but not be limited to opportunities in employment, housing, ~~places of~~ public accommodation and credit or commercial transactions.

Section 5.

Urbana City Code Chapter 12, "Human Rights," Article III, "Discrimination," Division 2, "Prohibited Practices" Section 12-63, "Public accommodations," Subsection (a) "Generally," is hereby amended as follows, with added language underlined and deleted language shown in ~~strike through~~:

- (1) It shall be an unlawful practice to do any of the following acts wholly or partially for a reason based on discrimination: To deny, directly or indirectly, or charge a higher price than the regular rate, for the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any ~~place of~~ public accommodation; to print, circulate, post, mail, or otherwise cause, directly or indirectly, to be published a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any ~~place of~~ public accommodation will be refused, withheld from or denied an individual; or that an individual's patronage of, or presence at, a ~~place of~~ public accommodation is objectionable, unwelcome, unacceptable or undesirable...

Section 6.

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 of this article shall not apply to the City of Urbana.

Section 7.

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 8.

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 9.

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 March, 2021.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

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

Diane Wolfe Marlin, Mayor