

MEMORANDUM

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Elizabeth Hannan, Human Resources & Finance Director / CFO

DATE: September 2, 2021

SUBJECT: Possible Revisions to Code Amendment on Appointments and Civil Service

Introduction: This memo is a follow up to a Committee of the Whole discussion on August 16, 2021.

Discussion: Possible revisions to the Ordinance to address items raised in the Committee meeting are listed first, followed by responses to other questions and requests for further information.

Revisions suggested by Council Members and possible direction to staff. Staff suggests that Council poll each of these items, and any other suggested changes, to give staff clarity on final revisions that should be included in the Ordinance that will be prepared for the September 13 City Council meeting. Staff plans to prepare an updated Ordinance based on that guidance and place it in the Council packet for the next meeting.

1. Require that these officers be appointed (“shall” vs. “may”).
 - Direct staff to replace the proposed language for Section 2-42 with the following:

“The following appointed officers shall be appointed by the mayor with the advice and consent of the city council, subject to inclusion in the annual budget: city administrator, finance director, city attorney, chief of police, chief of the fire department, director of public works, director of community development services, deputy finance director, deputy chief of police, deputy chief of the fire department, deputy director of public works, city engineer, and human rights and equity officer.”
2. Include Information Technology Manager and/or Special Advisor for Integrated Strategy Development in appointments.
 - Direct staff to include one or both of these positions in the list of appointed positions in Section 2-42.
3. Provide bios for appointed staff.
 - Direct staff to add the following language in Section 2-42.

“When bringing forth appointments to the City Council, the mayor shall provide a summary of each appointee’s qualifications for the office to which they are proposed to be appointed or reappointed.”

4. Clarify language regarding City Council access to appointee records.
 - Council could direct staff to add the following language to Section 2-42, in addition to the above, but staff believes other code changes make it clear that access is available. See Item 3 under “Questions and requests for information” below.

“Upon request, the mayor or their designee shall meet individually with members of the City Council for confidential review of records related to a proposed appointee’s performance and qualifications, subject to any limitations and/or restrictions in all applicable laws.”

5. Require the mayor to specify the term of appointment.
 - Direct staff to replace the proposed language for Section 2-43 with the following:

“The terms of office and conditions of employment for appointed employees of the City shall be established by the mayor. The term of the appointment shall be specified by the mayor at the time each candidate is put forth for appointment or reappointment. However, no term of appointment for any appointee shall exceed the appointing mayor’s elected term.”
6. Clarify differing uses of the term “appointing authority,” particularly with respect to civil service vs. appointment of staff.
 - Direct staff to replace the proposed language in the first sentence in Section 2-99(2)a. regarding civil service with the following:

“The mayor or their designee, as appointing authority for civil service, shall notify the commission of that fact, and the commission shall certify to the appointing authority a pool of candidates consisting of the names and addresses of all available candidates on the original entry registry for consideration.”

- The Mayor has currently delegated this responsibility to Human Resources staff. Civil Service Rules would also be amended for consistency.

Questions and requests for information. These items do not require revisions to the proposed Ordinance.

1. Job descriptions for positions being moved to civil service.
 - These job descriptions were previously provided to City Council Members by email. Some of these job descriptions may need to be updated prior to review by the Civil Service Commission, particularly Division Chiefs in the Fire Department, whose responsibilities have changed with creation of the Deputy Fire Chief position.
2. Clarify discipline process for civil service employees and, generally, clarification regarding civil service processes.

- Civil Service Rules are available on the City’s website [here](#). Rule XI addresses discipline. This rule has been under discussion for a considerable period and changes will be brought forward to the Commission in the near future. Specific City Council questions related to discipline may be directed to Michelle Brooks mebrooks@urbanaininois.us. Other Council questions regarding civil service rules may be addressed to Liz Borman eeborman@urbanaininois.us.
3. City Council access to personnel files for appointees / officers.
 - The City Code does allow Council Members access to certain personnel records for “officers.” Each of the individuals listed as appointees in Section 2-42 will be considered an officer. We ask that Council Members who want to review these records provide several weeks’ notice because of the time involved in preparing these records for review. Staff are required to remove all records that we are prohibited from sharing under the Illinois Personnel Records Review Act, scan all documents, review each page, redact any personal information, and remain in the room while files are reviewed. For example, preparing five files for review in June required approximately 8 to 12 total hours of staff time for two employees to undertake the process. Only one of those files was lengthy, because only one employee had seven or more years of service. This process takes much longer for employees who have been with the City for many years. Preparing all of the files for review would likely require more than 25 hours of staff time.
 4. Separate votes for each appointee.
 - This may be accomplished by separating the question at the time of appointment, if a majority of Council Members agrees, consistent with City Council Rules.
 5. Illinois Municipal Code citation regarding appointee removal from office.
 - See 65 ILCS 5/3.1-35-10 [here](#). This says that the mayor may remove an appointed employee if they determine that is in the interests of the municipality. They must report the removal to the City Council, and the City Council can override the removal with a two-thirds vote.
 6. Illinois Municipal Code citation regarding appointee continuing in office until replaced with a new appointee.
 - See 65 ILCS 5/3.1-30-5(d) [here](#). This says that if a replacement has not been appointed, a municipal officer continues to serve until a successor is appointed. It also provides for the appointment of a temporary successor in the event the position is vacant.

Recommended Action: Provide specific direction to staff on specific changes to be made to the proposed Ordinance so that an updated Ordinance can be prepared for the next City Council meeting.