

DATE: Monday, December 16, 2024
TIME: 7:00 PM
PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

Chair: Chaundra Bishop, Ward 5

- A. Call to Order and Roll Call
- B. Approval of Minutes of Previous Meeting
 - 1. 11-18-2024 Committee of the Whole Minutes
- C. Additions to the Agenda
- D. Presentations and Public Input
- E. Staff Report
- F. New Business
 - 1. **Ordinance No. 2024-12-042:** An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases – CM's Wilken and Kolisetty
 - 2. **Ordinance No. 2024-12-043:** An Ordinance Amending Urbana City Code Chapter 12 (Human Rights Ordinance – Changing the Name of the Human Relations Commission) – HREO
 - 3. **Resolution No. 2024-12-086R:** A Resolution Authorizing the Execution of an Agreement for the Donation of Land to the Champaign County Forest Preserve District – Exec
- G. Discussion
 - 1. **Continued ARPA Reallocation – Exec**
- H. Council Input and Communications
- I. Adjournment

PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions, and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and the general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner. Public Input will be taken in the following ways:

Email Input

Public comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted) at the following: citycouncil@urbanaininois.us. The subject line of the email must include the words "PUBLIC INPUT" and the meeting date. Your email will be sent to all City Council members, the Mayor, City Administrator, and City Clerk. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted. Copies of emails will be posted after the meeting minutes have been approved.

Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

Verbal Input

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than two (2) hours, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting. The presiding officer may give priority to those persons who indicate they wish to speak on an agenda item upon which a vote will be taken.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under "Verbal Input". Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or

behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker's microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the meeting record.

Accommodation

If an accommodation is needed to participate in a City meeting, please contact the City Clerk's Office at least 48 hours in advance so that special arrangements can be made using one of the following methods:

- Phone: 217.384.2366
- Email: CityClerk@urbanaininois.us

MEMORANDUM TO THE URBANA, IL COMMITTEE OF THE WHOLE & CITY COUNCIL

Meeting: December 16, 2024, Committee of the Whole

Subject: Ordinance No. 2024-12-042: An Ordinance Establishing Approval, Policy, and Reporting Requirements for Police Surveillance Technology

Summary

Action requested

City Council is asked to approve the attached Ordinance, which requires and clarifies the process for procurement and use of policing technology and databases that can be used to monitor, track, and identify specific individuals or groups. This Ordinance codifies the public approval process for specific surveillance technologies or databases; it does not dictate the use of any given technology (that would be voted on by Council).

Overall, the Ordinance establishes the Council approval and public input process for new and existing policing technologies and databases. The attached definitions clarify the relevant types of technology and databases, the Use Report, Use Policy, and Policing Technology Annual Report.

Brief Background & Previous Action

City of Urbana adopted the Ten Shared Principles on June 22, 2020 in Resolution No. 2020-06-031R which states “We reject discrimination toward any person that is based on race, ethnicity, religion, color, nationality, immigrant status, sexual orientation, gender, disability, or familial status;” provides support to “build and rebuild trust through procedural justice, transparency, accountability, and honest recognition of past and present obstacles” and advocates for “the four pillars of procedural justice, which are fairness, voice (i.e., an opportunity for citizens and police to believe they are heard), transparency, and impartiality”

City of Urbana reaffirmed its commitment as a sanctuary city in Resolution No. 2016-12-070R, stating that “the City Council and the Mayor will join with councils and mayors from other communities around the country to stand with our immigrant residents and defend policies that welcome and protect immigrants...” and that “no city employee or official or department or agency of the City of Urbana shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or the investigation is required by a court order...”

The City of Urbana commissioned the completion of a review of UPD and UFD policies and staffing requirements by Berry Dunn consultants. The report on the first phase of the study included

community stakeholder meetings, professional stakeholder meetings, community interest group and individual meetings, and an online survey, all of which included responses from community members showing “a desire for more active transparency” (page 58). The report noted transparency as one of the four pillars of procedural justice and is included in the six pillars of 21st Century Policing, and that not providing transparency through community input “can foster mistrust and damage relationships” (page 159).

In, September of 2021, the Urbana City Council was asked to approve a budget amendment, allowing the City to move funds in order to purchase automatic license plate readers. After much discussion and public input, including Town Hall Meetings, the budget amendment failed, with a 4 to 3 vote, in November of 2021. This instance highlighted the fact that there was no procurement policy for police surveillance technology.

During the budget discussions in June of 2023, Council Members Wilken and Evans proposed additional language to the budget ordinance that clarified the intended use of approved funds and required Council approval and due public process for the purchase of certain surveillance technologies. That proposed language failed, with a 5 to 2 vote. There was feedback from Council members on how to improve the language, and comments that they would entertain a discussion about surveillance policy in the future.

In response to the proposed budget language, on the June 26, 2023 City Council meeting, Mayor Marlin stated that, “The city of Urbana will not authorize or purchase Automated License Plate Reader (ALPR) technology, without explicit majority approval from the Urbana City Council. While the prior debate and vote on ALPRs centered on a budget amendment to purchase ALPRs, rather than a general policy statement, the council discussion and 4-3 vote defeating the amendment, made the position of the majority of council very clear.”

The attached Ordinance is a product inspired from years of discussion and thought in the Urbana community. It has undergone some preliminary reviews, and continued feedback is welcomed.

Financial Impact

There is no expected direct financial impact of this Ordinance.

Attachments

1. Ordinance No. 2024-12-042: An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases
2. Attachment A, Definitions (Ordinance No. 2024-12-042)
3. Guiding Principles, from Community Control Over Police Surveillance

Ordinance No. 2024-12-042

AN ORDINANCE ESTABLISHING APPROVAL, POLICY, AND REPORTING REQUIREMENTS FOR POLICING SURVEILLANCE TECHNOLOGY AND DATABASES

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, and the passage of this Resolution constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, the City of Urbana reaffirmed its commitment as a sanctuary city in Resolution No. 2016-12-070R, stating that “the City Council and the Mayor will join with councils and mayors from other communities around the country to stand with our immigrant residents and defend policies that welcome and protect immigrants...” and that “no city employee or official or department or agency of the City of Urbana shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or the investigation is required by a court order...”; and

WHEREAS, the City of Urbana adopted the Ten Shared Principles on June 22, 2020 in Resolution No. 2020-06-031R which states “We reject discrimination toward any person that is based on race, ethnicity, religion, color, nationality, immigrant status, sexual orientation, gender, disability, or familial status;” provides support to “build and rebuild trust through procedural justice, transparency, accountability, and honest recognition of past and present obstacles” and advocates for “the four pillars of procedural justice, which are fairness, voice (i.e., an opportunity for citizens and police to believe they are heard), transparency, and impartiality”; and

WHEREAS, it is the Urbana City Council (“Council” or “City Council”) and City’s responsibility to legislate matters of public safety and accountability to the public, and any new technology or major systems regarding public safety require due public process and approval from City Council; and

WHEREAS, the Urbana City Council finds that no decision relating to police technology should be made without collaborative community input and consideration of the impact such technologies may have on civil rights and civil liberties, including those rights guaranteed by Article I of the Illinois Constitution and the First, Fourth, and Fourteenth Amendments to the United States Constitution; and

WHEREAS, the use of surveillance technologies are known to have had a significant, detrimental impact on civil rights and civil liberties, including those guaranteed by the First, Fourth

and Fourteenth Amendments to the United States Constitution, and thus it is incumbent on the police or other agency seeking to fund, acquire, or use a surveillance technology to expressly identify the potential adverse impacts the technology may have on civil rights and civil liberties and what specific measures it will undertake to prevent such adverse impacts; and

WHEREAS, surveillance technologies can create oppressive, stigmatizing environments when used indiscriminately, especially for communities that have historically been disproportionately targeted by their use, such as communities of color, low income communities, and politically active communities; and

WHEREAS, the urgency to publicly process the acquisition of surveillance technologies is necessitated by new concerns whether surveillance technologies will be used to apprehend people from out-of-state seeking abortions and other reproductive healthcare in Illinois; people without legal immigration status who seek asylum and would be sought for deportation; peaceful individuals or organizations exercising their rights, including expressing grievances against the government; and people whose race, national origin, ethnic identity, gender identity, sexual orientation, or other protected demographics place them under potential for additional surveillance; and

WHEREAS, the need for a public process to acquire surveillance technologies is further required because of the likelihood that federal law enforcement agencies will access any data stored by surveillance technologies; and

WHEREAS, as of the passing of this ordinance, there is no current city policy on the use and acquisition of police surveillance technology, and it is therefore necessary to clarify the Council's position on the required processes of public accountability;

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

Section 1. Approval Process for Policing Technology and Database Acquisition or Use

(a) The Urbana Police Department must obtain written approval by majority vote of the Urbana City Council prior to purchasing, acquiring, or using any new policing technology or database (as defined in Attachment A of this Ordinance), or using an existing policing technology or database in a new manner not previously approved, which includes linking or cross-referencing existing databases, adding new categories of data to a database, or using new analytic tools on an existing database.

(b) At least sixty (60) days prior to seeking approval of a policing technology or database, the Urbana Police Department shall submit to the City Council and make publicly available a written policing technology or database "Use Report," along with a draft of the proposed

policing technology or database “Use Policy” (as defined in Attachment A of this Ordinance).

(c) The public shall have forty-five (45) days subsequent to filing of the policing technology or database “Use Report” and “Use Policy” to submit formal comments to the City Council.

Section 2. Standard for Approval of Policing Technology or Database

(a) In deciding whether to approve the request, the City Council shall consider whether the public safety benefits of the use of the policing technology or database outweigh the economic, social, and community costs, including potential negative impacts on civil liberties and civil rights and potential disparate impacts on particular communities or groups.

Section 3. Reporting and Approval of Existing Policing Technologies and Databases

(a) For all existing or hereinafter approved policing technology and databases in use, a “Policing Technology Annual Report” will be publicly available and presented to City Council each year, which includes a current copy of the “Use Policy” for each technology and other information included in the definitions in Attachment A.

(b) For all police surveillance technology and databases referenced here that are already in use at the passing of this Ordinance:

(i) The Urbana Police Department shall present to City Council a “Use Report” and “Use Policy” for each technology or database in use, within one hundred twenty (120) days of the passing of this Ordinance, unless otherwise extended with written approval from City Council.

(ii) The existing policing technologies and databases shall require a formal approval process (as outlined in Section 1 and 2 of this Ordinance) as soon as the information on each technology is made available.

(iii) If the Council has not approved the continuing use of the policing technology, including the Use Report and the Use Policy, within one hundred eighty (180) days of its submission to the Council, the Urbana Police Department shall cease its use of the policing technology and the sharing of surveillance data therefrom until such time as Council approval is obtained in accordance with this Ordinance.

Section 4. Contractual Agreements Involving Policing Technology & Databases

(a) It shall be unlawful for the City or any agency to enter into any contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting

provisions in such contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.

(b) Prior to approval by City Council for purchasing, acquiring, or using any new policing technology or database, all members of City Council shall be provided a non-redacted copy of any and all contract(s) or other agreement(s) for review for any policing technology or policing database.

(c) It shall be unlawful for the Urbana Police Department to enter into any contract or other agreement that facilitates the receipt of privately generated and owned surveillance data, or government generated and owned surveillance data, to any non-governmental entity in exchange for any monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts. Any contracts or agreements signed prior to the enactment of this ordinance that violate this section shall be terminated as soon as is legally permissible.

Section 5. Definitions

The list of relevant definitions is included in Attachment A as part of this Ordinance.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2024.

AYES:

NAYS:

ABSTENTIONS:

Darcy E. Sanderfur, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2024.

Diane Wolfe Marlin, Mayor

ATTACHMENT A

(Ordinance No. 2024-12-042)

Definitions:

(a) “Policing technology” shall mean any system used as part of a policing function, including software or electronic devices, that is capable of collecting, retaining, or analyzing information associated with or capable of being associated with any specific individual or group, including but not limited to audio, video, images, text, meta-data, location, spectral imaging, or biometric information.

(i) “Policing technology” or “police surveillance technology” includes, but is not limited to: artificial intelligence and machine learning; cell site simulators; automated license plate readers (ALPRs); biometric surveillance; gunshot detectors; facial recognition software; drones; electronic toll readers; closed-circuit television cameras; mobile X-Ray; surveillance enabled light bulbs; thermal imaging systems; predictive policing software; social media analytics software; unmanned surveillance drones; audio or video recorders that are capable of transmitting or can be accessed remotely; tools, including software and hardware, used to gain access to a mobile device, computer, computer service, or computer network; long range Bluetooth and other wireless-scanning devices; and radio-frequency I.D. (RFID) scanners or software designed to integrate or analyze data from individuals. This definition is not intended to be a limited or exhaustive list and includes future technologies that are developed after the passing of this Ordinance.

(ii) “Policing technology” does not include: routine office technology, such as televisions, computers, email systems and printers, that is in widespread public use; manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; and internal police department computer aided dispatch or record management systems, unless the systems are equipped with predictive analytics capabilities.

(b) “Policing database” shall mean any system used as part of a policing function that is capable of accessing, storing, cataloging, or analyzing information associated with or capable of being associated with any specific individual or group, including but not limited to audio, video, images, text, meta-data, location, spectral imaging, or biometric information.

(i) “Policing database” includes, but is not limited to: fingerprint databases; DNA databases; gang databases; automated license plate reader databases; criminal history databases; and any other database controlled or covered by contract or other agreement with the Urbana Police Department that is capable of being associated with any specific individual or group. This

definition is not intended to be a limited or exhaustive list and includes future technologies that are developed after the passing of this Ordinance.

(ii) “Policing database” does not include: systems for storing case-files; systems for office and clerical purposes; or investigative information that is not tagged to a specific individual, or cannot be used to identify specific individuals.

(c) “Use Report” shall mean a publicly released, legally enforceable written report that includes, at a minimum, the following:

- (i) Information describing the policing technology and how it works;
- (ii) Information on the proposed purpose(s) of the policing technology;
- (iii) If the policing technology will not be uniformly deployed throughout the city, what factors will be used to determine where the technology will be deployed or targeted;
- (iv) The fiscal impact of the policing technology;
- (v) An assessment of whether use of the policing technology will have an unwarranted disparate impact on protected classes and demographics, as defined in the Illinois Civil Rights Act of 2003, the Urbana Human Rights Ordinance, and other relevant laws and policies.
- (vi) An assessment identifying any potential adverse impacts the policing technology, if deployed, might have on civil liberties and civil rights, and what specific, affirmative measures will be implemented to safeguard the public from the potential adverse impacts.

(d) “Use Policy” shall mean a publicly released, legally enforceable written policy governing the use of the police technology that, at a minimum, includes and addresses the following:

- (i) What specific purpose(s) the policing technology is intended to advance.
- (ii) Description of the authorization for use of the policing technology: specifically, what legal and procedural rules will govern each authorized use; what potential uses of the police technology will be expressly prohibited such as the warrantless surveillance of public events and gatherings; and how and under what circumstances will surveillance data that was collected, captured, recorded, or intercepted by the police technology be analyzed and reviewed.
- (iii) Description of data collection, protection, and retention: specifically, what types of surveillance data will be collected, captured, recorded, intercepted, or retained by the police technology; what safeguards will be used to protect surveillance data from unauthorized access; for what maximum limited time period the surveillance data will be retained; and by what process the surveillance data will be regularly deleted after the retention period.

(iv) Description of data sharing: specifically, which governmental agencies, departments, bureaus, divisions, or units will be approved for data sharing; how such sharing is necessary for the stated purpose and use of the policing technology; and what mechanisms will ensure any entity sharing access to the policing technology or surveillance data complies with the applicable surveillance use requirements within the Urbana “Use Policy” and does not further disclose the surveillance data to unauthorized persons and entities.

(e) “Policing Technology Annual Report” shall mean a written report on each policing technology in use over the past year that is publicly released at least once per year and shall, at a minimum, include the following:

(i) A summary of how each policing technology and database was used.

(iii) Total annual costs for each police technology and database, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.

(iii) How often collected surveillance data was shared with and received from any external persons or entities; under what legal standard(s) the information was disclosed; and the justification for the disclosure(s).

(iv) A summary of complaints or concerns that were received about each policing technology and database.

(v) The results of any internal audits, any information about violations of the Use Policy, and any actions taken in response to complaints or concerns.

(vi) Justification for the continued use of each technology and database and safeguards to protect civil liberties, privacy, and against discrimination.



CAMPAIGN ZERO



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National Network for Arab American Communities



MILLIONHOODIES MOVEMENT FOR JUSTICE



Community Control Over Police Surveillance – Guiding Principles

The Community Control Over Police Surveillance effort, including the legislation being sponsored in connection with it, is guided by the below principles. Legislation may vary from city to city to reflect local concerns and circumstances.

Surveillance technologies should not be funded, acquired, or used without express city council approval: Surveillance technologies should not be funded, acquired or used without the knowledge of the public and the approval of their elected representatives on the city council. Agencies seeking to use a previously acquired surveillance technology in a new manner must also receive specific city council approval of the new use(s).

Local communities should play a significant and meaningful role in determining if and how surveillance technologies are funded, acquired, or used: When used indiscriminately, surveillance technologies create oppressive, stigmatizing environments, especially for communities that are disproportionately targeted by their use, such as communities of color, low income communities, and politically active communities. Rather than allowing the police to unilaterally decide if and how surveillance technologies may be acquired and used, we believe local communities and their elected officials should be empowered to make those determinations.

The process for considering the use of surveillance technologies should be transparent and well-informed: The city council should not approve the funding (including submitting applications), acquisition, or deployment of any surveillance technologies without holding a public hearing. To facilitate a well-informed public debate, far in advance of the hearing, the police or other agency seeking to use the surveillance technology shall publically report on, among other things, the technology to be acquired, its capabilities, how precisely it would be used, how its data would be preserved and protected, its acquisition and operational costs, and how potential adverse impacts on civil rights and civil liberties will be prevented.

The use of surveillance technologies should not be approved generally; approvals, if provided, should be for specific technologies and specific, limited uses: Prior to the public hearing, the police or other agency seeking to acquire and/or use a surveillance technology must identify the technology and its proposed uses with specificity, so they can be debated with specificity. It should be unlawful for the police or any other agency to use a

surveillance technology that has not been expressly approved, or to deploy an approved surveillance technology in a manner that has not been expressly and precisely approved.

Surveillance technologies should not be funded, acquired, or used without addressing their potential impact on civil rights and civil liberties: Historically, government surveillance has had a significant, detrimental impact on civil rights and civil liberties, including those guaranteed by the First, Fourth and Fourteenth Amendments to the United States Constitution. In recognition of this fact, prior to holding a public hearing, the police or other agency seeking to fund, acquire, or use a surveillance technology should expressly identify the potential adverse impacts the technology may have on civil rights and civil liberties and what specific measures it will undertake to prevent such adverse impacts.

Surveillance technologies should not be funded, acquired, or used without considering their financial impact: Prior to holding a public hearing, the police or other agency seeking to fund, acquire, and/or use a surveillance technology should provide information on the surveillance technology’s financial benefits and costs, including its acquisition and annual operational costs.

To verify legal compliance, surveillance technology use and deployment data should be reported publically on an annual basis: A public approval process for the acquisition and use of surveillance technology will be of limited value unless the city council and public can verify the legal requirements pertaining to its use, including those regarding the protection of civil rights and civil liberties, have been adhered to. Annual reporting requirements will empower the city council and public to monitor the use and deployment of approved surveillance technologies.

City council approval should be required for all surveillance technologies and uses; there should be no “grandfathering” for technologies currently in use: The same public approval process for the acquisition and use of new surveillance technologies should be applied to surveillance technologies that are currently in use. Any technologies and existing uses that are not expressly approved pursuant to a transparent, community-focused process should have to be discontinued.

- CODE OF ORDINANCES
Chapter 12 HUMAN RIGHTS

Chapter 12 HUMAN RIGHTS¹

ARTICLE I. IN GENERAL

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 chapter, unless otherwise waived, implicitly or explicitly, by the complainant.

(Ord. No. 2021-01-003, § 1, 3-8-21)

Secs. 12-2—12-15. Reserved.

ARTICLE II. COMMISSION ON HUMAN ~~RELATIONS~~ RIGHTS²

Sec. 12-16. Establishment.

There is hereby established a commission on human ~~relations~~ rights.

(Code 1975, § 7.65)

Sec. 12-17. Composition, appointment.

The commission on human ~~relations~~ rights shall consist of nine (9) members to be appointed by the mayor with the approval of the city council. Members of the commission shall be chosen from among residents of the city representing various segments of the community. In the making of appointments hereunder, the mayor may receive recommendations by civic groups.

(Code 1975, § 2.65; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-18. Terms of members.

The term of office of each person appointed to the commission on human ~~relations~~ rights shall be three (3) years and shall expire at midnight on the June thirtieth of the third year, except as provided herein. The terms of office of the members shall be staggered. When any person is appointed to the commission to fill a vacancy

¹Cross reference(s)—Discrimination in employment by contractors and vendors with the city prohibited, § 2-119; landlord-tenant rights and duties, Ch. 12.5.

²Cross reference(s)—Administration, Ch. 2; boards and commissions generally, § 2-77 et seq.

created by a resignation, the term shall expire on the same date as the term for the member whose resignation created the vacancy.

Whenever the conclusion of a public hearing conducted by the commission has not been reached on June thirtieth, any member whose term expires on that June thirtieth shall continue to serve on the commission until the conclusion of the hearing, solely for the purpose of concluding the pending hearing. Such members shall be referred to as "holdover" members. The existence of any holdover members shall not affect the beginning of the term of the new members appointed to replace such holdover members; the terms of the new members shall begin on July first. Holdover members shall not be counted for any quorum purposes other than those related to the pending hearing that causes the holdover status.

(Code 1975, § 2.65; Ord. No. 2003-03-033, § 1, 4-7-03)

Sec. 12-19. Organization.

The commission on human ~~relations- rights~~ shall elect from its members a chairperson and such other officers as it deems necessary, and may adopt such rules and regulations as may be necessary or appropriate to carry out its duties.

(Code 1975, § 2.65)

Sec. 12-20. Quorum.

The lesser of a majority of members or any four (4) members of the commission on human ~~relations- rights~~ shall constitute a quorum.

(Code 1975, § 2.65; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-21. Meetings; absence of member.

- (a) The commission on human ~~relations- rights~~ shall meet from time to time, at least once each month, on call of the chairperson or of any four (4) members.
- (b) Any member who is absent from all meetings in three (3) consecutive months may be replaced as in the case of a vacancy.

(Code 1975, § 2.65)

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

- (a) The commission on human ~~relations- rights~~ shall cooperate with the mayor, city council, city departments, agencies and officials in securing the furnishings of equal services to all residents, and where the need is greater, in meeting that need with added service; training city employees to use methods of dealing with intergroup relations which develop respect for equal rights and which result in equal treatment without regard to race, color, sex, religion, national origin, ancestry, disability, or sexual orientation; assuring fair and equal treatment under the law to all ~~citizens persons~~; protecting the rights of all persons to enjoy public accommodations and facilities and to receive equal treatment from all holders of licenses, contracts or privileges from the city; and maintaining equality of opportunity for employment and advancement in the city government.
- (b) The purposes of the human ~~relations- rights~~ commission shall be to:

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(Supp. No. 53)

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- (1) Promote and uphold the provisions of this chapter;
 - (2) To hear complaints of unlawful discrimination filed with the city, in accordance with the provisions of this chapter;
 - (3) Plan and carry out programs aimed at eliminating discrimination as defined in this chapter, as well as to all residents;
 - (4) Develop means of anticipation and relief of community tensions that arise from racial, ethnic, religious and social differences;
 - (5) Cooperate with the mayor, city council, city departments, agencies and officials in establishing and maintaining good community relations and securing the furnishings of equal services to all residents;
 - (6) Stimulate active involvement of business, religious and education sectors of the community to encourage full and equal opportunity for all persons;
 - (7) Receive and investigate complaints involving discrimination, as defined but not limited to, the protections of this chapter, in accordance with section 12-81.
 - (8) Initiate investigations into areas of possible discrimination which might come to the attention of the commission although there is no individual complaint. These ~~class-based class-based~~ investigations, after the commission's fact-finding, may be issued as ~~HRC Human Rights Commission-~~ reports and be distributed throughout the community. The human ~~relations- rights~~ commission may initiate action, including informal mediation and recommendations to the council for formal action, to end any discrimination it may find as a result of these investigations, in accordance with section 12-81.
- (c) The commission shall advise and consult with the mayor and city council on all matters involving racial, religious, gender, ethnic, disability or sexual orientation prejudice or discrimination and recommend such legislative action as it may deem appropriate to effectuate the policy of this chapter.
- (d) The commission will periodically review, with the personnel director and the mayor or ~~his the Mayor's~~ designee, the city's affirmative action program and report the results of the review to the city council.
- (e) The services of all city departments and agencies shall be made available by their respective heads to the commission at its request, and information in the hands of any department or agency shall be furnished to the commission upon written request to the mayor. Upon receipt of recommendations in writing from the commission, each department or agency shall submit a reply in writing indicating the disposition of, and action taken, with regard to such recommendations.
- (f) The commission shall render an annual report to the mayor and city council.
- (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 chapter as the city is not subject to those provisions.

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(Code 1975, § 2.66; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2000-02-009, § 1, 2-7-00; Ord. No. 2021-01-003, § 2, 3-8-21)

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Sec. 12-23. Cooperation with other agencies.

The commission on human ~~relations~~-rights shall invite and enlist the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations, professional and technical organizations, and other groups in the city in carrying on its work. The commission may aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the community. The commission shall cooperate with state and federal agencies whenever it deems such action appropriate in effectuating the policy of this article.

(Code 1975, § 2.67)

Sec. 12-24. Performance of duties delegated by mayor and council.

The commission shall perform such further duties as may be delegated to it by the mayor and city council.

(Code 1975, § 2.68; Ord. No. 7879-93, 4-24-79)

Sec. 12-25. Budget.

The commission on human ~~relations~~-rights shall annually submit a budget to the mayor. Such budget shall show those funds that are deemed necessary by the commission to implement its duties under this article.

(Code 1975, § 2.69; Ord. No. 9798-49, § 1, 10-6-97)

Secs. 12-26—12-36. Reserved.**ARTICLE III. DISCRIMINATION³****DIVISION 1. GENERALLY****Sec. 12-37. Intent and purpose.**

It is the intent of the City of Urbana in adopting this article, to secure an end, in the city, to discrimination, including, but not limited to, discrimination by reason of race, color, creed, class, national origin, religion, sex, age, marital status, physical and mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income, or any other discrimination

³Editor's note(s)—Section 1 of Ord. No. 7879-92, enacted April 24, 1979, amended § 2.68a of the 1975 Code in its entirety, to read as therein set forth. Accordingly, the provisions of former Art. III entitled "Equal Opportunity, being §§ 12-37—12-40, 12-48—12-51, 12-59—12-65, 12-73, 12-74, 12-82—12-85, 12-93—12-97, 12-105 and 12-106, have been deleted and the substantive provisions Ord. No. 7879-92, § 1, are included herein as a new Art. III. In addition to § 2.68a of the 1975 Code, former Art. III derived from Ord. No. 7576-43, §§ 1—28, enacted Nov. 17, 1975 and Ord. No. 7576-45, enacted Dec. 1, 1975.

State law reference(s)—Improvement of group relations, 65 ILCS 5/11-11.2-1.

based upon categorizing or classifying a person rather than evaluating a person's unique qualifications relevant to an opportunity in housing, employment, credit or access to public accommodations.

(Ord. No. 7892-92, § 1(1), 4-24-79; Ord. No. 9596-66A, § 1, 2-5-96; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-38. Short title.

This article may be cited as the "Human Rights Ordinance."

(Ord. No. 7879-92, § 1(2), 4-24-79)

Sec. 12-39. Definitions.

[For the purpose of this article, the following words and terms shall be defined as herein set forth:]

Bona fide occupational qualification. A qualification reasonably necessary to the normal operation of a particular business.

Commission. The City of Urbana's human ~~relations- rights~~ commission.

Complainant. A person who believes that ~~he/she has~~ they have been aggrieved by a violation of a provision of this article and who files a complaint with the commission or officer.

Council. The council of the City of Urbana, Illinois.

Credit transaction. Any invitation to apply for credit, application for credit, extension of credit or credit sale.

Disability. The term "disability," with respect to an individual, means (a) a physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

Discrimination. Any practice or act which is unlawfully based wholly or partially on the race, color, creed, class, national origin, religion, sex, age, marital status, physical or mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income of any individual, or any subclass of the above groups.

Employee. Any individual employed or seeking employment from an employer.

Employer. Any person who, for compensation, employs any individual except for the employer's parents, spouse or children; or who employs domestic servants engaged in and about the employer's household.

Employment agency. Any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees the opportunity to work for an employer, including any agent of such a person.

Family responsibilities. The state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including single parents.

Labor organization. Any collective bargaining unit, committee, group, association or plan in which employees participate directly or indirectly and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms, conditions or privileges of employment.

Lease. This includes sublease, assignment, rental, or providing the use of real property for a fee, goods, services or anything of financial value, and includes any contract to do any of the foregoing.

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Marital status. The state of being married, separated, divorced, widowed or single and the conditions associated therewith, including pregnancy or parenthood.

Matriculation. The condition of being enrolled in college or a university, whether as an undergraduate, graduate or professional student in any area of study, full-time or part-time, in either a degree or non-degree program, or in a business, nursing, professional, secretarial, technical or vocational school or an adult educational program.

Officer. The City of Urbana's human ~~relations-~~ rights and equity officer, or the officer's designee.

Owner. Any person who holds legal or equitable title to, or owns any beneficial interest in, any real property or who holds legal or equitable title to a share of, or holds any beneficial interest in, any real estate cooperative which owns any real property.

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

Personal appearance. The outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, such as weight, height, facial features, or other aspects of appearance. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire, if and when such requirement is uniformly applied for admittance to a public accommodation or to employees in a business establishment for a reasonable business purpose.

Political affiliation. The state of belonging to or endorsing any political party or organization or taking part in any activities of a political nature.

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

Real property. Any real estate, vacant land, building or structure, or any part thereof within the city limits of Urbana, Illinois.

Respondent. A person charged with a violation of a provision of this article.

Sex. The state of being or becoming male or female or transsexual, or pregnant, or the ability to become pregnant.

Sexual harassment. Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, housing, or access to public accommodations, (2) submission to or rejection of such conduct by an individual is used as the basis for decisions in employment, housing, or access to public accommodations affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment for working, housing, or use of public accommodations.

Sexual orientation. Male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

Source of income. The point or form of the origination of legal gains of income accruing to a person in a stated period of time; from any occupation, profession or activity, from any contract, agreement or settlement, from federal, state or local payments, including Section 8 or any other rent subsidy or rent assistance program, from court ordered payments or from payments received as gifts, bequests, annuities or life insurance policies.

(Ord. No. 7879-92, § 1(3), 4-24-79; Ord. No. 9596-66, § 1, 1-22-96; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2000-02-009, § 1, 2-7-00; Ord. No. 2021-01-003, § 3, 3-8-21)

Secs. 12-40—12-60. Reserved.

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- CODE OF ORDINANCES
Chapter 12 - HUMAN RIGHTS
ARTICLE III. - DISCRIMINATION
DIVISION 2. PROHIBITED PRACTICES

DIVISION 2. PROHIBITED PRACTICES

Sec. 12-61. Discrimination in opportunities, generally.

- (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.
- (b) It shall further be unlawful to discriminate in the provisions of any of the foregoing opportunities.
- (c) With respect to age, physical or mental disability, matriculation or source of income, it shall not be an unlawful practice to accord preferential treatment to any individual when such treatment is designed to promote the safety, health or welfare of such individuals because of their circumstances, relative to their age, physical or mental disability, matriculation or source of income, which would not normally allow them to enjoy, to the fullest extent, those benefits of our society which are generally available to others.

Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

(Ord. No. 7879-92, § 1(4), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2021-01-003, § 4, 3-8-21)

Sec. 12-62. Employment.

- (a) *By an employer.* It shall be an unlawful practice for an employer to do any of the following acts for a reason based wholly or partially on discrimination:
 - (1) To fail or refuse to hire, to discharge or to accord adverse, unlawful and unequal treatment to any person with respect to ~~his/her~~ their application, hiring, training, compensation, tenure, upgrading, promotion, layoff or any other terms, conditions or privileges of employment;
 - (2) To limit, segregate or classify ~~his/her~~ their employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect ~~his/her~~ their status as an employee; provided, that an employer who is discriminating with respect to compensation shall not, in order to comply with the provisions of this section, reduce the wage rate of any employee;
 - (3) To engage in, permit, or tolerate sexual harassment.
- (b) *By an employment agency.* It shall be an unlawful practice for an employment agency to do any of the following acts for a reason based wholly or partially on discrimination:
 - (1) To fail or refuse to refer for employment any individual, or otherwise to discriminate against any individual in any way which would deprive or tend to deprive such individual of an employment opportunity;
 - (2) To engage in, permit, or tolerate sexual harassment.
- (c) *By an employer or employment agency.* It shall be an unlawful practice for an employer or employment agency to make or use a written or oral inquiry or form of application that elicits or attempts to elicit information for a reason based wholly or partially on discrimination; to make or keep a record of or disclose

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such information, except that the collection and reporting of such information shall not be unlawful if done for equal opportunity or affirmative action purposes pursuant to any local, state or federal government equal opportunity or affirmative action program.

- (d) *By a labor organization.* It shall be an unlawful practice for a labor organization to do any of the following acts for a reason based wholly or partially on discrimination:
- (1) To exclude or to expel from its membership, or otherwise discriminate against any individual;
 - (2) To limit, segregate or classify its membership;
 - (3) To classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of an employment opportunity, or otherwise adversely affect ~~his/her~~ their status as an employee or an applicant for employment;
 - (4) To engage in, permit, or tolerate sexual harassment.
- (e) *By an employer, employment agency or labor organization.* It shall be an unlawful practice for an employer, employment agency or labor organization to do any of the following acts for a reason based wholly or partially on discrimination:
- (1) To exclude any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including an on-the-job training program;
 - (2) To place or accept an order or request for referrals, to print or publish, or cause to be printed or published, any notice or advertisement, or use any publication form, relating to employment by such an employer, or to membership, or any classification or referral for employment by such a labor organization or employment agency, indicating any preference, limitation, specification or distinction based on discrimination.
- (f) *Exceptions:*
- (1) It shall not be an unlawful practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as retirement, pension or insurance plan which is not a subterfuge to evade the purposes of this article, except that no such employee seniority system or benefit plan shall excuse the failure to hire any individual.
 - (2) It shall not be an unlawful practice for a notice or advertisement to indicate a preference, limitation or specification where such factors are bona fide occupational qualifications necessary for employment. Nor shall it be unlawful for a person to request, accept an order for, refer or hire an individual based on such a preference, limitation or specification where such factors are bona fide occupational qualifications necessary for such employment.
 - (3) It shall not be an unlawful practice for any person to develop a lawful affirmative action plan designed to overcome the effects of past discrimination and to take action not otherwise prohibited by this article or state or federal law to carry out any such affirmative action plan.

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(Ord. No. 7879-92, § 1(5-10), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-63. Public accommodations.

- (a) *Generally.*
- (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

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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.

It shall also be unlawful to fail to make reasonable modifications to policies, practices or procedures when such modifications are necessary to afford equal services or accommodations to individuals with disabilities; to fail to remove architectural barriers and communication barriers that are structural in nature in existing facilities, where such removal may be readily achievable; to fail to take such steps as may be necessary to ensure that no individual with a disability is excluded, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services. A party providing goods or services to the public shall not be required to take any action under this section that would fundamentally alter the nature of such goods and services being offered or would result in an undue burden.

(b) *Credit transactions:*

- (1) It shall be an unlawful practice for any person to deny, refuse or restrict the amount or use of credit that is extended; or to impose different terms or conditions with respect to extensions of credit based on discrimination.
- (2) It shall be an unlawful practice for any person to refuse, upon the written request of an unsuccessful applicant for credit, to provide within a reasonable period of time such an applicant with a written statement explaining the reason(s) for the denial, refusal or restriction of the amount or use of credit.
- (3) It shall not be unlawful for any party to a credit transaction to consider the credit history of any individual applicant and to use accepted standards to determine an individual applicant's ability to fulfill the terms of the transaction if such methods are utilized in the same fashion to determine all applicant's eligibility for credit and are not designed to contravene, nor have the effect of contravening, the intent of this article.

(Ord. No. 7879-92, § 1(11, 12), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2021-01-003, § 5, 3-8-21)

Sec. 12-64. Housing and commercial space.

(a) *Generally.* It shall be an unlawful practice to do any of the following acts for a reason wholly or partially based on discrimination:

- (1) To refuse to negotiate for, enter into, or perform any sale, exchange or lease of any real property; or to require different terms for such transaction or to represent falsely that an interest in real property is not available for inspection, purchase, sale, exchange, lease or occupancy when in fact it is so available.
- (2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction.
- (3) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance, relating to the ownership or use of any interest in real property.
- (4) To refuse or restrict facilities, service, repairs or improvements for a tenant or lessee.
- (5) To make, print or publish, or to cause to be made, printed or published any notice, statement or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing

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related thereto, which notice, statement or advertisement indicates or attempts to indicate any preference or limitation.

- (6) To discriminate in any financial transaction involving real property on account of the location of the residence or business, a practice commonly referred to as "red lining."
 - (7) To refuse examination of copies of any listing of real property.
 - (8) To enter into a listing agreement which prohibits the inspection, sale, exchange, lease or occupancy of real property.
 - (9) To act or undertake to act, in any capacity, in a transaction in which a person knows that a violation of this article has occurred or will occur.
 - (10) To purchase, sell, exchange, lease or occupy real property, or authorize and direct one in ~~his/her~~ their employment or on ~~his/her~~ their behalf to do so, or solicit another person to do so, for the specific reason and intention of preventing another person or persons from transacting the same.
 - (11) To refuse to negotiate for, enter into or perform any sale, exchange or lease of any real property because of discrimination against any party to the transaction, any member of the family of any such party, any person using or occupying or intending to use or occupy the real property or any person using or occupying any real property in the area in which such real property is located.
 - (12) To refuse to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before modifications to the extent necessary for future reasonable use of persons without disabilities, reasonable wear and tear excepted. The landlord may not increase for disabled persons any customarily required security deposit. Where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as a part of such a restoration agreement a provision requiring that the tenant pay a reasonable amount of money not to exceed that cost of the restoration. The landlord shall only collect restoration money for actual costs incurred in the restoration. The landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modification as well as reasonable assurances that the work will be done in a workman-like manner and that any required building permits will be obtained;
 - (13) To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.
- (b) *Blockbusting and steering.* It shall be an unlawful practice for any person, whether or not acting for monetary gain, directly or indirectly to engage in the practice of "blockbusting" or "steering", including, but not limited to, the committing of any one or more of the following acts:
- (1) To promote, induce, influence, or attempt to promote, induce or influence a transaction in real property through any representation, means or device whatsoever calculated to induce a person to discriminate or to engage in such transaction wholly or partially in response to discrimination, prejudice, fear or unrest adduced by such means, device or representation.
 - (2) To place a sign or display any other device either purporting to offer or tending to lead to the belief that an offer is being made for a transaction in real property that is not in fact available or offered for transaction, or which purports that any transaction in real property has occurred that in fact has not.

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(3) To represent that a change has occurred, will occur or may occur with respect to the composition of the owners or occupants in any block, neighborhood or area in which real property, which is the subject of a real estate transaction, is located if such representation is based on discrimination.

(4) To represent that a change with respect to the composition of the owners or occupants in any block, neighborhood or area will result in a lowering of property values, in an increase in criminal or anti-social behavior, or in a decline in the quality of schools in such block, neighborhood or area if such representation is based on discrimination.

(c) *Signs, notices, publications.* It shall be an unlawful practice for any person to do any of the following acts for a reason wholly or partially based on discrimination:

(1) To post or erect or cause or permit any person to post or erect any sign or notice upon any real property, managed by or in the custody, care or control of such person, indicating an intent to sell or lease any real property in a manner that is unlawful under this article.

(2) To publish or circulate, or cause or permit any person to publish or circulate, a statement, advertisement or notice of an intention to sell or lease any real property in a manner that is unlawful under this article.

(d) *Exceptions:*

(1) Nothing in this article shall require the owner to offer real property to the public at large before selling, exchanging or leasing it, provided that the owner complies with all other provisions of this article.

(2) Nothing in this article shall be construed to apply to the rental or leasing of housing accommodations in that portion of a building in which the owner, or members of ~~his or her~~, the owner's family, occupy one of the living units and in which the owner-occupant anticipates the necessity of sharing a kitchen or bathroom with a prospective tenant, not related to the owner-occupant.

(3) The provisions of this article shall not be so construed as to prohibit a person from inquiring into and reporting upon the qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those based on discrimination.

(4) Nothing in this article is intended to prohibit any person from giving preference in renting or leasing housing, or any part thereof, to elderly and/or disabled persons, or both to elderly and to disabled when the building is either constructed or remodeled to make provision for the needs of elderly and/or disabled. Evidence of such provision includes but is not limited to, ramps; doorway provisions; bathroom equipment, such as shower seats; grab bars; hardware, such as door levers in place of doorknobs, adaptable kitchen appliances, and/or other services meeting the needs of its residents.

(Ord. No. 7879-92, § 1, (13-16), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

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Secs. 12-65—12-80. Reserved.

DIVISION 3. COMPLAINT PROCEDURES, INVESTIGATION AND MEDIATION

Sec. 12-81. Filing of complaints.

(a) Any individual who believes that ~~he or she has~~ they have been aggrieved by a violation of the provisions of this article may file a complaint with the commission or officer. An individual seeking compensatory damages must file a complaint with the human ~~relations~~ rights and equity officer. The officer shall keep records of all

complaints made to the ~~human relations office~~ office of human rights and equity, whether or not a formal complaint has been filed.

- (b) The officer may, in lieu of an individual complainant filing a written statement, on ~~his or her~~ the officer's initiative, file and process a written statement of alleged discrimination.
- (c) The complainant shall make a written statement that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the officer to identify the respondent. Such written statement shall be referred to herein as a "complaint."
- (d) All complaints shall be filed within ninety (90) days of the occurrence of the alleged violation, or ninety (90) days after the discovery thereof, but in no event shall a complaint be filed more than one (1) year after the occurrence of the violation.
- (e) Complaints filed may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the public hearing specified in section 12-84(b). The circumstances accompanying such withdrawal may be fully investigated by the officer or the commission.
- (f) The officer may investigate individual instances and patterns of conduct which the commission or officer feels are in violation of the provisions of this article, and may file complaints in connection therewith.
- (Ord. No. 7879-92, § 1(17), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2000-02-009, § 1, 2-7-00)

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Sec. 12-82. Notice and response to complaint, preliminary investigation, initial determination.

- (a) The officer shall promptly investigate allegations of discrimination set forth in any complaint and shall furnish the respondent with a copy of said complaint by certified mail or personal service within seven (7) days of filing of the complaint.
- (1) The respondent shall file a verified response to the allegations set forth in the complaint within twenty-eight (28) days of the date respondent receives the complaint. All allegations contained in the complaint not timely denied by the respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The officer shall issue a notice of default directed to any respondent who fails to file a verified response to a complaint within twenty-eight (28) days of the date on which the complaint was received by the respondent, unless the respondent can demonstrate good cause as to why such notice should not be issued.
- (2) The respondent shall, at the request of the officer, permit the officer to inspect and copy such records as may be relevant to the investigation. Should the respondent refuse to permit such inspection and copying, the commission may issue a subpoena for such records.
- (b) An initial determination in writing shall be made by the investigator, stating whether or not there is probable cause to believe that this article has been violated, and on what facts such determination is based. Notice of the initial determination shall be furnished to the respondent and complainant within forty-two (42) days of the date the respondent files its verified response to the complaint.
- (c) If the officer finds, with respect to any respondent, that the commission lacks jurisdiction or that probable cause does not exist, the officer shall issue and cause to be served on the respondent and the complainant an order dismissing the allegations of the complaint, along with a copy of this section explaining the complainant's right to appeal.
- (d) An order dismissing the allegations of the complaint for lack of jurisdiction or lack of probable cause may be appealed to the commission by the complainant within twenty-eight (28) days of the date on which the order was served, by mailing to the chair of the commission a written request for an informal public hearing.

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- (1) The chair shall appoint one (1) member of the commission and two (2) other persons familiar with this chapter to hear the appeal.
- (2) The informal hearing shall be held within twenty-eight (28) days of the date a written request is received by the chair of the commission.
- (3) Notice of the informal hearing date shall be served upon the complainant and the respondent no less than seven (7) days in advance of the hearing date.
- (4) The commissioner appointed to hear the appeal shall preside at the informal hearing at which time the officer will state the reasons for ~~his/her~~ their initial determination of no probable cause and the complainant will state ~~his/her~~ their objections to the determination. The respondent shall have the opportunity, but shall be under no obligation, to comment in support of the officer's determination.
- (e) After hearing from all parties, a decision shall be made by majority vote of the body hearing the appeal to either:
 - (1) Issue an order in concurrence with the officer's finding of no probable cause; or
 - (2) Issue an order determining probable cause, stating on what basis such determination is made. Notice of the order determining probable cause shall be served upon the respondent within seven (7) days, after which the officer shall attempt conciliation in accordance with the procedures set forth herein.

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(Ord. No. 7879-92, § 1(18), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2000-02-009, § 1, 2-7-00)

Sec. 12-83. Informal conciliation; follow-up proceedings; confidentiality.

- (a) In the event of a determination of probable cause, an attempt shall be made by informal methods of conference, conciliation and persuasion to eliminate the alleged discriminatory practice and to compensate the complainant for damages suffered as a result of the practice.
- (b) If the respondent and complainant agree to a conciliation agreement in writing, such written agreement shall be reported to the commission and the commission shall issue an order stating the terms of the agreement and furnish a copy of the order to the complainant and respondent.
- (c) At any time within one (1) year from the date of a conciliation agreement, the commission, or the officer at the request of the commission, shall investigate whether the terms of the agreement are being complied with by the respondent. Upon finding that the terms of the agreement are not being complied with by the respondent, the commission shall certify the matter to the city attorney for enforcement proceedings.
- (d) If the respondent and complainant do not agree to a written conciliation agreement within forty-two (42) days of the determination of probable cause, either party shall have the right to a public hearing of the complaint before the commission in accordance with the procedures set forth in section 12-84. Said public hearing shall commence within one hundred five (105) days of the date that a written request for a hearing is received by the chair of the commission.
- (e) Except for the terms of the conciliation agreement and any information presented at public meetings or hearings, neither the commission, the officer, nor any officer or employee thereof shall make public, without the written consent of the involved parties, information concerning the complaint.
- (f) Nothing in this article shall be so construed as to contravene, or attempt to contravene, the provisions or intent of the Illinois Open Meeting Law.

(Ord. No. 7879-92, § 1(19), 4-24-79; Ord. No. 2000-02-009, § 1, 2-7-00)

Sec. 12-84. Public hearing.

- (a) *Notice of hearing.* In case of failure of conciliation efforts, or in advance of such efforts, as determined by the officer, and after finding probable cause and after consulting and coordinating with the office of the city attorney, the officer shall cause to be issued and served in the name of the commission, a written notice of the time, date and place of hearing, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of such complaint at a public hearing; such hearing to be scheduled not less than thirty (30) days nor more than ninety (90) days after such service. Notice shall be served by registered or certified mail, return receipt requested, or by personal service.
- (b) *Conduct of hearing.*
- (1) After a complaint has been noticed for hearing, the commission shall conduct said hearing to make a determination concerning the complaint. The chair of the commission shall appoint a hearing officer, and the hearing officer shall rule on motions and all other matters and conduct the hearing according to rules as adopted by the commission. The city shall be responsible for paying the costs of such hearing officer provided that the city attorney has approved the form of the retention agreement form.
 - (2) The office of the city attorney or the officer shall present the city's case before the commission. Efforts at conciliation and reconciliation shall not be received into evidence.
 - (3) If the respondent fails to appear at the hearing after having been served with notice, the commission shall proceed with the hearing on the basis of the evidence in support of the complaint.
 - (4) The respondent may appear at the hearing with or without representation, may examine and cross-examine the witnesses and the complainant, and may offer evidence.
 - (5) At the conclusion of any hearing, the commission shall render a decision as to whether or not the respondent has engaged in an unlawful practice or has otherwise violated the provisions of this article. No such decision by the commission shall be by a vote of less than a majority of the commission members qualified to hear the case at the commencement of the hearing. If it is determined that a respondent has not engaged in an unlawful practice, the commission shall issue, and cause to be served on the respondent and the complainant, a decision and order dismissing the case. If it is determined that a respondent has engaged in an unlawful practice, the commission shall issue, and cause to be served on such respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent to cease and desist from such unlawful practice, and to take such action as in the judgement of the commission will carry out the purposes of this article. Such action may include, but shall not be limited to, the following acts on behalf of the complainant and other aggrieved individuals: Hiring, reinstating or upgrading, with or without back pay; restoring membership in any respondent labor organization, admitting to or allowing to participate in a program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges; payment of compensatory damages; extending credit, referring for employment, selling, exchanging or leasing real property, or providing housing accommodations.
 - (6) Nothing in this article shall be construed as to permit back pay and/or compensatory damages to equal more than the actual monetary losses or costs incurred by the complainant(s) as a result of the discrimination by the respondent(s).

(Ord. No. 7879-92, § 1(20, 21), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2003-03-033, § 1, 4-7-03)

Secs. 12-85—12-100. Reserved.

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(Supp. No. 53)

- CODE OF ORDINANCES
Chapter 12 - HUMAN RIGHTS
ARTICLE III. - DISCRIMINATION
DIVISION 4. ADMINISTRATION AND ENFORCEMENT

DIVISION 4. ADMINISTRATION AND ENFORCEMENT

Sec. 12-101. Fines.

Any person found in violation of any provision of this article by the commission, or in subsequent judicial proceedings in a court of law, shall be fined not more than five hundred dollars (\$500.00) for each violation.
(Ord. No. 7879-92, § 1(22), 4-24-79)

Sec. 12-102. Judicial review.

Any person suffering a legal wrong, or adversely affected or aggrieved by an order or decision of the commission in a matter, pursuant to the provisions of this article, is entitled to a judicial review thereof, upon filing a written petition for such a review with the circuit court of the Sixth Judicial Circuit or any court of competent jurisdiction.
(Ord. No. 7879-92, § 1(23), 4-24-79)

Sec. 12-103. Enforcement powers of commission; institution of civil proceedings.

- (a) The chair of the commission, or the acting chair in the absence of the chair, shall issue subpoenas at the instance of the commission or the investigator, or at the instance of a respondent or complainant to the proceedings, whenever necessary to compel the attendance of a witness or to require the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence in any investigation or hearing of a discrimination complaint.
 - (b) If the commission determines that the respondent(s) have not, after thirty (30) calendar days following service of its order, corrected the unlawful practice and complied with this article, the commission shall certify the matter to the city attorney for enforcement proceedings.
 - (c) The city attorney shall institute, in the name of the City of Urbana, civil proceedings, including the seeking of such restraining orders and temporary or permanent injunctions, as are necessary to obtain complete compliance with the commission's orders.
- (Ord. No. 7879-92, § 1(24), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-104. Compliance with article provisions.

- (a) It shall be an unlawful practice for any person to refuse to hire, to discharge, to evict from housing or commercial space, to refuse to negotiate for, sell, exchange or lease any real property or to include terms or conditions for such property, to harass, intimidate or in any other way retaliate or discriminate against, or interfere with any individual because ~~he/she has they have~~ made a complaint, testified or assisted in any proceeding under this article, whether on ~~his/her their~~ own behalf or for another individual, or because ~~he or she has they were have~~ told, objected to, or commented upon any policy, rule, action, or barrier to that which ~~he or she they~~ in good faith believes violates this article.

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- (b) It shall be an unlawful practice for any person to aid, abet, compel or coerce another person to commit an act which is unlawful under the provisions of this article, or to attempt to do so.

(Ord. No. 7879-92, § 1(25), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-105. Exceptions.

- (a) Any practice or act of discrimination which would otherwise be prohibited by this article shall not be deemed unlawful if it can be established that such practice or act can be justified on the basis of being reasonably necessary to the normal operation of the business or enterprise. However, a "business necessity" exception shall not be justified by the factors of increased cost to business, business efficiency, the comparative or stereotypical characteristics of one group as opposed to another or the preferences of co-workers, employers' customers or any other person.
- (b) Nothing contained in the provisions of this article shall be construed to bar any religious or political organization from giving preference to persons of the same political or religious persuasion in the conducting of the said organizations' activities.
- (c) Nothing contained in the provisions of this article shall be considered to be discriminatory on the basis of age if the act occurs with respect to a person under the age of eighteen (18).
- (d) The provisions of this article shall not apply to other units of government, including the Federal government or any of its agencies, the State of Illinois and any other political subdivision, municipal corporation or their agencies.
- (e) The provisions of division 3 of this article shall not apply to the City of Urbana.

(Ord. No. 7879-92, § 1(26), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2021-01-003, § 6, 3-8-21)

Sec. 12-106. Severability of provisions.

If any provision or part thereof of this article, or application thereof to any person or circumstance, is held invalid, the remainder of the article and the application of the provision, or part thereof, to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Ord. No. 7879-92, § 1(27), 4-24-79)

Sec. 12-107. Posting of notice.

Every person subject to this article shall post and keep in a conspicuous location, where business or activity is customarily conducted or negotiated, a notice provided by the City of Urbana, whose form and language shall have been prepared by the officer setting forth excerpts from, or summaries of, the pertinent provisions of this article and information pertinent to the filing of a complaint.

(Ord. No. 7879-92, § 1(28), 4-24-79)

Sec. 12-108. Records and reports.

When a complaint has been filed against a person pursuant to this article, the respondent shall preserve all records which may be relevant to the charge or action until a final disposition of the charge. Such records shall include, but not be limited to, application forms submitted by applicants, sales and rental records, credit and

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reference reports, personnel records, and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this article.

(Ord. No. 7879-92, § 1(29), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Secs. 12-109—12-117. Reserved.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 12
(Human Rights Ordinance – Changing the Name of the Human
Relations Commission)**

WHEREAS, the City Council of the City of Urbana ("City Council") desires to amend the Urbana Human Rights Ordinance to change the name of the Human Relations Commission to the Human Rights Commission; and

WHEREAS, the current language of the Human Rights Ordinance and the name of the Human Relations Commission do not sufficiently describe the Commission's function and is potentially misunderstood by members of the public; and

WHEREAS, recent updates to the City of Urbana's offices reflect a shift towards a clearer emphasis on human rights and equity, with the Human Relations Office and Human Relations Officer being renamed to the Office of Human Rights and Equity and the Human Rights and Equity Officer; and

WHEREAS, this adjustment would align the Commission's title with the updated language of the Office of Human Rights and Equity, ensuring clarity and consistency without necessitating any changes to the existing acronym (HRC); and

WHEREAS, updating the name in City Code and other official documents will provide a concise and modern reflection of the Commission's mission, making it easier for residents and stakeholders to understand its role and purpose.

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

Section 1. Upon the effective date of this Ordinance, Chapter 12 of the Urbana City Code will be amended to conform with the changes indicated on the redlined version of the Ordinance attached hereto.

Section 2. This Ordinance shall become effective immediately upon its passage and approval as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2025.

AYES:

NAYS:

ABSTENTIONS:

Darcy E. Sandefur, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2025.

Diane Wolfe Marlin, Mayor



MEMORANDUM FROM OFFICE OF HUMAN RIGHTS AND EQUITY TO THE URBANA CITY COUNCIL

Meeting: December 16, 2024 Committee of the Whole Meeting
Subject: An Ordinance Amending Urbana City Code Chapter 12 (Human Rights Ordinance – Changing the Name of the Human Relations Commission)

Summary

Action Requested

City Council is asked to approve the attached ordinance that would formally change the name of the Human Relations Commission to the Human Rights Commission in Chapter 12 of Urbana City Code (Human Rights Ordinance).

Brief Background

The Human Relations Commission and the Human Rights Ordinance were established by ordinance in 1975 to secure an end to unlawful discrimination within the City of Urbana, Illinois. On October 13, 2021, the Human Relations Commission, after due consideration and vote, found that the name of the Commission does not sufficiently describe the Commission’s function and is potentially misunderstood by members of the public.

Relationship to City Services and Priorities

Impact on Core Services

N/A

Strategic Goals & Plans

N/A

Previous Council Actions

N/A

Discussion

Additional Background Information

Since 1975, the Human Relations Commission has worked to end unlawful discrimination within the City of Urbana, Illinois by enforcing the Human Rights Ordinance.

The Urbana Human Rights Ordinance seeks “...to secure an end, in the city, to unlawful discrimination, including, but not limited to, discrimination by reason of race, color, creed, class,

national origin, religion, sex, age, marital status, physical and mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income, or any other discrimination based upon categorizing or classifying a person rather than evaluating a person's unique qualifications relevant to an opportunity in housing, employment, credit or access to public accommodations.” (Chapter 12 of the City Code)

The recent updates to the City of Urbana’s offices reflect a shift towards a clearer emphasis on human rights and equity, with the Human Relations Office and Human Relations Officer being renamed to the Office of Human Rights and Equity and the Human Rights and Equity Officer, respectively. In light of these changes, it is both logical and beneficial for the Urbana Human Relations Commission to update its name to the "Human Rights Commission." This adjustment would align the Commission's title with the updated language of the Office of Human Rights and Equity, ensuring clarity and consistency without necessitating any changes to the existing acronym (HRC).

Updating the name in the City Code and other official documents will provide a concise and modern reflection of the Commission's mission, making it easier for residents and stakeholders to understand its role and purpose.

The proposed language changes to Chapter 12 also include changes to introduce gender neutral language as appropriate.

Recommendation

City Council is asked to approve formally changing the name of the Human Relations Commission to the Human Rights Commission and it is recommended that the Mayor and City Council amend the relevant sections of the City Code to reflect this name change.

Next Steps

If the attached ordinance is approved, staff will update Chapter 12 of Urbana City Code and related materials accordingly.

Attachments

1. Ordinance No. 2024-12-__: An Ordinance Amending Urbana City Code Chapter 12 (Human Rights Ordinance – Changing the Name of the Human Relations Commission)
2. Approved Minutes of the October 13, 2021 Human Relations Committee Meeting
3. Redline Copy of the Human Rights Ordinance

Originated by: Carla M. Boyd, Human Rights and Equity Officer

Approved: Carol J. Mitten, City Administrator

DONATION AGREEMENT

DONATION AGREEMENT (the "Agreement") is made and entered into as of this _____ day of _____, 2024 by and between the CITY OF URBANA, ILLINOIS, an Illinois municipal corporation ("Donor"), and the CHAMPAIGN COUNTY FOREST PRESERVE DISTRICT ("District"), forest preserve district organized under the Downstate Forest Preserve District Act (70 ILCS 805/0.001-805/23).

WITNESSETH:

WHEREAS, Donor currently holds legal title to the approximately 60.06' x 108.54' x 60.43' x 109.75' vacant parcel (the "Real Estate") having the common address of 2310B E. Main Street, Urbana, Illinois and the parcel number of 91.21-10-382-005, and which is further described on the attached Exhibit A (which together with all appurtenant rights referred to herein as the "Property");

WHEREAS, District holds legal title to other parcels of real estate in Champaign County, Illinois that are adjacent to and/or nearby the Property, and manages such parcels as the Kickapoo Rail Trail (the "KRT") for public use;

WHEREAS, Donor wishes to donate the Property to District, as a charitable donation for incorporation into the KRT the benefit of the public residing in and/or visiting Champaign County, Illinois and District wishes to accept such donation, all subject to the terms and conditions contained herein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties hereinafter set forth, the parties hereto mutually covenant and agree as follows:

1. PROMISES TO DONATE AND ACCEPT.

Donor shall donate, convey and assign the Property, including improvements thereon and appurtenances thereto, to District, and District shall accept and assume ownership of the Property from Donor subject to the terms and conditions of this Agreement.

2. CONVEYANCE.

Donor shall convey the Property to District by special warranty deed (the "Deed") in recordable form in the form attached hereto as Exhibit B, and said Deed shall convey to the District or its nominee title in fee simple to the Property, the reservations contained in the Deed, and any additional exceptions approved in writing by the District (hereinafter collectively called "Permitted Exceptions").

3. TITLE.

(a) District may obtain at its expense a preliminary title commitment (the "Commitment") committing the Title Company to deliver to District following delivery and recording of the Deed an ALTA Form B owner's title insurance policy (the "Title Policy") in at least the title company's minimum coverage amount, with full extended coverage over the general exceptions contained in the Title Policy, containing no exceptions other than the Permitted Exceptions.

(b) If the Title Commitment discloses exceptions to title other than the Permitted Exceptions, Donor shall diligently proceed to have those unpermitted exceptions or defects cured and if Donor does not cause such unpermitted exceptions or defects to be cured within a reasonable time period or is unable to deliver to District at Closing the Title Policy in the form required hereunder, District may elect to attempt to cause the unpermitted exceptions or defects to be cured within a reasonable time period, and if following such reasonable time period District is unable to cause such unpermitted exceptions or defects to be cured District may then elect to either to take title as it then is, or to terminate this Agreement.

(c) District shall bear the full cost of obtaining the Commitment (including without limitation all search fees) and obtaining the Title Policy (including without limitation the title insurance premium).

4. CLOSING.

(a) Subject to the conditions precedent contained in this Agreement, the Closing shall take place on a date and at a location mutually agreed upon by Donor and the District within a reasonable time, in any event not more than 30 days, following District's receipt, review and approval of the Commitment (the "Closing Date"), and at the Closing Donor shall deliver possession of the Property to District, along with the following all in form, execution and substance satisfactory to District:

(i) The Deed duly executed and acknowledged by Donor, conveying to District or District's nominee, title to the Property, in proper form for recording and subject only to the Permitted Exceptions;

(ii) ALTA Statement and other documents required by the Title Company for clearance of all exceptions to title other than the Permitted Exceptions;

(iii) Donor's gap undertaking, if necessary;

(iv) State of Illinois and Champaign County real estate transfer tax declarations and evidence of compliance with any local requirements, if any, for the transfer of real estate;

(v) An affidavit of title in customary form;

(vi) A certified copy of the meeting minutes or resolution of Donor authorizing this transaction; and

(vii) Payment for Donor's costs, if any, related to the Commitment.

(b) At the Closing, District shall deliver the following all in form and substance satisfactory to Donor:

(i) ALTA Statement and other documents required by the Title Company for clearance of all exceptions to title other than the Permitted Exceptions;

(ii) State of Illinois and Champaign County real estate transfer tax declarations and evidence of compliance with any local requirements, if any, for the transfer of real estate;

(iii) An affidavit of title in customary form;

(iv) A certified copy of meeting minutes or resolution of District authorizing this transaction; and

(vii) Payment for District's costs related to the Title Policy.

(c) The fees and expenses of Donor's designated representatives, accounts and attorneys shall be borne by Donor, and the fees and expenses of District's designated representatives, accountants and attorneys shall be borne by District.

5. **ADJUSTMENTS.**

All proratable items, if any, other than general real estate taxes shall be prorated as of the Closing Date, and such prorations shall be final unless otherwise agreed in writing by the parties. General real estate taxes levied the Property, if any, but not due and payable at the time of Closing shall be adjusted pro rata as of the Closing Date on the basis of the most recent ascertainable taxes on the Property. District and Donor further agree to re-prorate the amount of any such real estate taxes within 10 days following receipt of the bills therefore, and this agreement shall survive closing.

6. **MODIFICATIONS, WAIVERS, ETC.**

(a) Each party reserves the right to waive any of the conditions precedent to its respective obligations hereunder. No such waiver and no modification, amendment, discharge or change of this Agreement, except as otherwise provided herein shall be valid unless the same is in writing and signed by the party against which the enforcement of such modifications, waiver, amendment, discharge or change is sought.

(b) This Agreement contains the entire agreement between the parties relating to the transaction contemplated hereby, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.

7. NOTICES.

All notices, demands, requests and other communications under this Agreement shall be writing and shall be deemed properly served when faxed or delivered, or if sent by registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

If intended for Donor:

City of Urbana
 Attention: Carol Mitten, City Administrator
 400 South Vine Street
 Urbana, IL 61801

With a copy to:

City of Urbana
 Attention: Legal Department
 400 South Vine Street
 Urbana, IL 61801

If intended for District:

Champaign County Forest Preserve District
 Attention: Mike Daab, Deputy Executive Director
 P. O. Box 1040
 Mahomet, IL 61853

With a copy to:

Matt C. Deering
 Meyer Capel, a Professional Corporation
 306 West Church Street
 P. O. Box 6750
 Champaign, IL 61826-6750

Notices shall be deemed to have been duly given or made on the date received, if faxed or delivered, or three days after mailing, if mailed, however, that either party may change its address for purposes of receipt of any such communication by giving 10 days' written notice of such change to the other party in the manner above prescribed.

8. CONDITION OF PROPERTY.

DISTRICT ACKNOWLEDGES THAT IT HAS HAD ADEQUATE OPPORTUNITY TO INSPECT, REVIEW AND CONSIDER ALL MATTERS AFFECTING THE USE, OWNERSHIP AND DEVELOPMENT OF THE PROPERTY, AND, EXCEPT AS SET FORTH HEREIN, THE CONVEYANCE OF THE PROPERTY WILL BE MADE ON AN "AS IS/WHERE IS" BASIS. DONOR'S CONVEYANCE OF THE PROPERTY SHALL BE WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND OR NATURE WHATSOEVER, EXPRESS OR IMPLIED (WITH THE EXCEPTION OF ANY DONOR'S WARRANTIES EXPRESSLY SET FORTH ELSEWHERE IN THIS AGREEMENT), INCLUDING, BUT NOT LIMITED TO ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS OR HABITABILITY, GOOD OR FAIR CONDITION OR REPAIR OR GOOD AND WORKMANLIKE CONSTRUCTION.

9. MISCELLANEOUS.

(a) This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective, successors and assigns.

(b) This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois. The invalidation of one or more of the terms of this Agreement shall not affect the validity of the remaining terms.

(c) Whenever in this Agreement words, including pronouns, are used in the masculine, they shall be read in the feminine or neuter whenever they would so apply and vice versa, and words in this Agreement that are singular shall be read as plural whenever the latter should so apply and vice versa.

(d) This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one Agreement.

(e) Time is of the essence of this Agreement.

(f) All covenants contained herein that by their terms are to be performed after Closing are intended to survive Closing and shall survive Closing.

(g) This instrument contains the entire agreement of the parties, and no representations, warranties or agreement have been made by either of the parties except as set forth herein. No modification, waiver or amendment of the provisions of this Agreement shall be effective unless made in writing and signed by the parties hereto.

(Signatures on following page)

DONOR:

CITY OF URBANA, ILLINOIS

By: _____
Title: _____

DISTRICT:

CHAMPAIGN COUNTY FOREST
PRESERVE DISTRICT

By: _____
Title: _____

GIS Webmap Public Interface Champaign County, Illinois



This map application was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this application is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this application and information contained herein. The use of this application constitutes acknowledgement of this disclaimer.

120

Feet



Notice

To view current assessment information, use the Tax Year dropdown to select the current year.

Property Information

| | | |
|--|---|--|
| Parcel Number 91-21-10-382-005 | Site Address 2310 B E MAIN ST URBANA, IL 61802 | Owner Name & Address CITY OF URBANA LEGAL DIVISION 400 S VINE ST URBANA, IL, 61801-3336 |
| Tax Year 2023 (Payable 2024) ▼ | | |
| Sale Status None | | |
| Property Class 0090 - Tax Exempt | Tax Code 9103 - | Tax Status Exempt |
| Net Taxable Value 0 | Tax Rate Unavailable | Total Tax Unavailable |
| Township Cunningham | Acres 0.0000 | Mailing Address |
| Legal Description Lot 2 Frailey's, O.A., Sub | | |

Print Tax Bill

No Billing Information

Drainage / Special Districts

| District | Amount |
|-----------------------|--------|
| SALINE BRANCH DD MAIN | \$8.00 |

| Payment History | | | |
|-----------------|--------------|------------|---------------|
| Tax Year | Total Billed | Total Paid | Amount Unpaid |
| 2022 | \$8.00 | \$8.00 | \$0.00 |
| 2021 | \$6.00 | \$6.00 | \$0.00 |
| 2020 | \$7.00 | \$7.00 | \$0.00 |

Show 35 More

| Assessments | | | | | | | |
|---------------------------|----------|----------|-----------|---------------|---------|-------|------------------|
| Level | Homesite | Dwelling | Farm Land | Farm Building | Mineral | Total | Partial Building |
| DOR Equalized | 0 | 0 | 0 | 0 | 0 | 0 | No |
| Department of Revenue | 0 | 0 | 0 | 0 | 0 | 0 | No |
| Board of Review Equalized | 0 | 0 | 0 | 0 | 0 | 0 | No |
| Board of Review | 0 | 0 | 0 | 0 | 0 | 0 | No |
| S of A Equalized | 0 | 0 | 0 | 0 | 0 | 0 | No |
| Supervisor of Assessments | 0 | 0 | 0 | 0 | 0 | 0 | No |
| Township Assessor | 0 | 0 | 0 | 0 | 0 | 0 | No |
| Prior Year Equalized | 0 | 0 | 0 | 0 | 0 | 0 | No |

Final values

| Exemptions | | | | | | |
|----------------|----------------|--------------|--------------|--------------|------------------|----------------|
| Exemption Type | Requested Date | Granted Date | Renewal Date | Prorate Date | Requested Amount | Granted Amount |
| Exempt Parcel | 10/28/2020 | 10/28/2020 | 4/6/2023 | | 0 | 0 |

No Taxing Bodies Information

No Redemptions

No Forfeiture Information

No Farmland Information

| Sales History | | | | | | | | |
|---------------|------------|-----------------------|-----------|---|-------------------------|-------------|-------------------|-------------|
| Year | Document # | Sale Type | Sale Date | Sold By | Sold To | Gross Price | Personal Property | Net Price |
| 2019 | 2019R19574 | Special Warranty Deed | 11/4/2019 | TION FANNIE MAE A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIA | CITY OF URBANA ILLINOIS | \$1,500.00 | \$0.00 | \$1,500.00 |
| 1998 | | Arms Length Sale | 8/19/1998 | | | \$15,000.00 | \$0.00 | \$15,000.00 |
| 1987 | | Arms Length Sale | 4/1/1987 | | | \$15,250.00 | \$0.00 | \$15,250.00 |

Legal Information

Legal 1

Legal Description

Lot 2 Frailey's, O.A., Sub

Important Information

Please make check payable to "Champaign County Collector" and mail payment to:

Champaign County Collector
P.O. Box 4306
Springfield, IL 62708-4306

1st Installment Due: 6/3/2024

2nd Installment Due: 9/3/2024

If you are paying after 9/30/2024 it must be in-person at the Treasurer/Collector's Office with cash, cashier's check, or money order.

Last day to pay to avoid Tax Sale: 10/24/2024

Tax Sale: 10/25/2024

Failure to receive a real estate tax bill or receiving it late for any reason does not relieve the taxpayer of penalties accruing if taxes are not paid by their respective due dates.

Please make sure the Supervisor of Assessments has your most current address on file. Forms for address updates and exemptions can be found here.

EXHIBIT B
(the Deed)

Send tax bill to:

Champaign County Forest Preserve District
P.O. Box 140
Mahomet, IL 61853

Prepared by and Return to:

Matt C. Deering
Meyer Capel, a Professional Corporation
306 West Church St., P.O. Box 6750
Champaign, Illinois 61826-6750
Telephone: 217/352-1800

SPECIAL WARRANTY DEED

THE GRANTOR, *CITY OF URBANA ILLINOIS*, for the consideration of One Dollar (\$1.00) and other good and valuable consideration, hereby GRANTS, BARGAINS, SELLS and CONVEYS to the GRANTEE, *CHAMPAIGN COUNTY FOREST PRESERVE DISTRICT*, a forest preserve district organized under the Downstate Forest Preserve District Act (70 ILCS 805/0.001-805/23), all interest in the real estate described on Exhibit A attached hereto and incorporated herein by this reference.

- Subject to:
- (1) Real estate taxes for the year 2023 and subsequent years;
 - (2) Covenants, conditions, restrictions and easements apparent or of record; and
 - (3) All applicable zoning laws and ordinances.

to have and to hold, the above granted premises unto the said Grantee forever.

Grantor releases and waives all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Grantor warrants title to the real estate against any challenge claiming by, through or under Grantor, but not otherwise.

Exempt under the provisions of Section 31-45, paragraph b of the Real Estate Transfer Tax Law.

Grantor, Grantee or Representative

RESOLUTION NO. 2025-XXXX**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR
THE DONATION OF LAND TO THE CHAMPAIGN COUNTY FOREST PRESERVE
DISTRICT****(2310B E. Main Street)**

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 tax; and

WHEREAS, the Local Government Property Transfer Act (50 ILCS 605) enables Illinois municipalities to transfer real estate or interests in real estate to other units of local government and sets forth the procedures therefor; and

WHEREAS, the City currently holds legal title to the vacant parcel of real estate having the common address of 2310B E. Main Street, Urbana, Illinois, and the parcel number of 91-21-10-382-005, and which is further described on Exhibit A of the attached Donation Agreement (“Property”); and

WHEREAS, the Champaign County Forest Preserve District (“District”) holds legal title to other parcels of real estate in Champaign County, Illinois, that are adjacent to and/or nearby the Property, and manages such parcels as the Kickapoo Rail Trail for public use; and

WHEREAS, the City wishes to donate the Property to the District, as a charitable donation for incorporation into the Kickapoo Rail Trail, to the benefit of the public residing in and/or visiting Champaign County, Illinois, and District wishes to accept such donation, all subject to the terms and conditions of a proposed donation agreement between the City and District; and

WHEREAS, under the Local Government Property Transfer Act, such property may be

transferred via a donation agreement between the City and District approved by resolution upon an affirmative vote of 2/3 of members of the legislative body then holding office.

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

Section 1. A Donation Agreement conveying a vacant parcel of real estate with the common address of 2310B E. Main St, Urbana, Illinois, from the City of Urbana to the Champaign County Forest Preserve District, in substantially the same form as attached hereto and incorporated herein by reference, shall be and the same is hereby authorized and approved.

Section 2. The Mayor of the City of Urbana is hereby authorized to execute on behalf of the City of Urbana, a Donation Agreement conveying a vacant parcel of real estate with the common address of 2310B E. Main St, Urbana, Illinois, from the City of Urbana to the Champaign County Forest Preserve District in substantially the same form as attached hereto and incorporated herein by reference.

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 _____, 2025.

AYES:

NAYS:

ABSTENTIONS:

Darcy E. Sandefur, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2025.

Diane Wolfe Marlin, Mayor



City of Urbana
400 S. Vine Street, Urbana, IL 61801
www.urbanaininois.us

MEMORANDUM TO THE MAYOR AND CITY COUNCIL

Meeting: December 16, 2024 Committee of the Whole
Subject: A Resolution Authorizing the Execution of an Agreement for the Donation of Land to the Champaign County Forest Preserve District

Summary

Action Requested

The City Council is being asked to consider A Resolution Authorizing the Execution of an Agreement for the Donation of Land to the Champaign County Forest Preserve District, which would convey a vacant parcel of real estate owned by the City to the Forest Preserve District for the extension of its Kickapoo Rail Trail project.

Brief Background

Earlier this year, the City of Urbana (“City”) was approached by the Champaign County Forest Preserve District (“District”) concerning a vacant parcel of land owned by the City at 2310B E. Main Street, which is contiguous to several parcels of land owned by the District. The District had acquired these parcels for the purpose of expanding the Kickapoo Rail Trail (“KRT”) and was interested in acquiring the contiguous parcel owned by the City to enable further expansion of the Trail.

A legal description of the subject parcel is attached to the Donation Agreement, along with a GIS map of the property and Assessor’s Property Information.

Relationship to City Services and Priorities

Impact on Core Services

Execution of a land donation agreement between the City and District is not anticipated to impact core City services.

Strategic Goals & Plans

The extension of the KRT is among the priorities of the Urbana 2016 Bicycle Master Plan. Strategy 9.2.2.II is to “Take advantage of opportunities to develop off-street shared-use paths, using methods including but not limited to: working with railroads to develop bicycle facilities on, along, or across rights-of-way, and acquiring property that provides off-street connections between bicycle facilities.” Further, according to the 2018 Kickapoo Rail Trail Connectivity Study prepared by the Champaign

County Regional Plan Commission, the route that includes the subject property is the most feasible alternative for extension of the KRT into Downtown Urbana.

Previous Council Actions

In October 2019, City Council passed [Ordinance No. 2019-10-054](#), which authorized the purchase of the subject property.

Discussion

Operations Impact

The donation of the subject real estate will likely have a nominal impact on City operations due to the incremental reduction of City-owned property that must be managed and maintained.

Policy or Statutory Impacts

By adopting the resolution, City Council will approve the execution of the Donation Agreement between the City and the District transferring the City-owned parcel to the District.

Fiscal and Budget Impact

There is no anticipated fiscal or budgetary impact from this donation of land.

Community Impact

The City's charitable donation of this parcel will contribute to the District's expansion of the Kickapoo Rail Trail, a project benefiting the quality of life of members of the public residing in and visiting Urbana and Champaign County.

Recommendation

The City Council is asked to approve the resolution included herewith, as presented.

Next Steps

If adopted, staff will work to finalize the Donation Agreement and the necessary legal instruments to transfer the subject property to the District.

Attachments

1. A Resolution Authorizing the Execution of an Agreement for the Donation of Land to the Champaign County Forest Preserve District
2. Donation Agreement

Originated by: Matthew Roeschley, City Attorney

Approved: Carol Mitten, City Administrator