

City Council Agenda Cover Memorandum

Meeting Date: October 25, 2010

Item Title: Code clarification

Action Requested:

- Approval
- For discussion
- Feedback requested
- For your information

Staff Contact: Jim Hock

Phone Number: 847-318-5205

Email Address: jhock@parkridge.us

Background:

The Mayor is requesting clarification regarding conflicting provisions of the City Code regarding appointment of certain Department Head positions

Recommendation:

Discuss and provide guidance

Budget Implications:

Does Action Require an Expenditure of Funds: Yes No

If Yes, Total Cost:

If Yes, is this a Budgeted Item: Yes No

Attachments:

- City Attorney memo
- Ordinance
- Meeting minutes
-
-
-



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MEMORANDUM

TO: Alderman Allegretti
City of Park Ridge

FROM: Everette M. Hill, Jr.

DATE: January 14, 2008

RE: Appointment Powers

As chairman of the Procedures and Regulations Committee, you have asked that I review the City's Codes and Policies with respect to the appointment of board and commission members and other officers of the City. It was your desire to bring consistency to the appointment process while achieving an appropriate balance of authority among the Mayor, the City Council and the City Manager.

In reviewing the various official documents that bear on this assignment, it is clear that there are certain aspects of the issue that will be relatively easy to address. Among those are the curing of inconsistencies in appointment terminology. An example of this is that in certain instances our procedures call for the Mayor to make an appointment with the "consent" of the Council, while other instances require the "advice and consent" of the Council. Some merely call for the Mayor to appoint while others call for City Council "approval". In some instances, we have our own procedures, while in others, despite our home rule status; we simply defer to state law. I think that bringing consistency to these matters is fairly simple. It may even be advisable to eventually have one chapter of our City Code devoted to general rules regarding the appointment and terms of office of all board and commission members.

The more difficult issues are those involving the allocation of the actual appointment powers.

For purpose of starting the discussion, I am tendering new Codes and Policies that draw a rather bright line as to which branch of city government makes particular appointments. The new draft makes the Mayor responsible for appointing City Council committee membership and chairs. The Mayor will appoint the chairman of each Board or Commission. As to other Board and Commission appointments, the Mayor will make a recommendation to the City Council but the City Council must vote to approve the appointment of members. If the City Council refuses to accept the Mayor's recommendation after the second name for that office is put forward, then that vacancy will be filled by majority vote of the Executive Committee.

With respect to department heads, the power of those appointments and terminations will rest with the City Manager after the Manager has received comment

from the Council. The City Attorney will be appointed by majority vote of the City Council upon the recommendation of the Executive Committee and the City Manager voting jointly. The Mayor will have a veto over the City Attorney appointment which can be overridden by the vote of five members of the City Council.

With respect to the following Boards and Commissions, the members shall be appointed by the City Council upon recommendation of the Mayor:

A. Code Boards and Commissions

1. Planning and Zoning Commission
2. Zoning Board of Appeals
3. Board of Fire and Police Commissioners
4. Electrical Commission
5. Community Health Commission
6. Board of Directors of the Public Library
7. Youth Services Commission
8. Emergency Telephone System Board
9. Civil Service Commission
10. Appearance Commission
11. Liquor License Review Board
12. Fair Housing Commission
13. Public Arts Commission

If the City Council does not approve of any particular appointment after the Mayor has tendered a second name for that vacancy, then the Executive Committee shall make the appointment. All Chairmen shall be designated by the Mayor from the existing membership of that Board or Commission.

B. Ad Hoc Commission or Committees

1. Heritage Committee
2. Human Needs Task Force
3. Intergovernmental Coordinating Advisory Committee
4. Sister Cities Commission
5. O'Hare Noise Compatibility Commission
6. Cultural Arts Committee

C. Other

1. Park District Liaison
2. School District 64 Liaison
3. School District 207 Liaison
4. Citizens Patrol
5. Peer Jury

**2008-45
ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE
AMENDING ARTICLE 3, CHAPTERS 1 AND 2 OF THE
MUNICIPAL CODE OF PARK RIDGE**

BE IT ORDAINED by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

SECTION 1: That Section 3-1-1 entitled "Appointment of Officers" of Chapter 1 "Mayor" and Article 3 entitled "Officers and Administrators" of the Municipal Code of Park Ridge, Illinois, shall be deleted in its entirety and a new Section 3-1-1 entitled "Authority With Respect to Committees, Board and Commissions" in inserted in lieu thereof and shall read as follows:

3-1-1 AUTHORITY WITH RESPECT TO COMMITTEES, BOARDS AND COMMISSIONS.

A. Appointments.

The Mayor shall appoint with the advice and consent of the City Council:

1. The members and chair of all City Council Committees.
2. The chairmen of all Boards and Commissions of the City.
3. All other officers of the City whose appointment is not otherwise provided by law.

B. Other Authority

1. The Mayor shall recommend to the City Council persons for appointment to the membership of all other City Boards, Commissions and Councils. (See Ch. 2 of this Article for resolution of the City Council's refusal to accept Mayor's recommendations).
2. In cases of dispute, the Mayor may determine the relative powers of City officials or Boards.
3. The Mayor may assign the duties of City officials (other than employees) which have not otherwise been assigned by statute, ordinance or official, written policy.

4. The Mayor may direct to the City Manager to investigate reasonable complaints against employees other than those covered by the Board of Fire and Police Commissioners or by the specific authority of a collective bargaining agreement.
5. The Mayor may veto the appointment of the City Attorney by the City Council. (See Ch. 2 of this Article for further description).

SECTION 2: Sections 3-1-2 entitled "Mayor's Authority" and Section 3-1-3 entitled "Ordinance Enforcement" of Chapter 1 "Mayor" and Article 3 entitled "Officers and Administrators" of the Municipal Code of Park Ridge, Illinois, shall be deleted in their entirety and "Reserved".

SECTION 3: New Sections 3-2-8 entitled "Appointment to Boards and Commissions" and Section 3-2-9 entitled "Appointment of City Attorney" shall be added to Article 3 entitled "Officers and Administrators", Chapter 2 entitled "City Council" of the Municipal Code of the City of Park Ridge, Illinois, and shall read as follows:

3-2-8 APPOINTMENT TO BOARDS AND COMMISSIONS

Upon receipt from the Mayor of a name for appointment to a City Board or Commission, the City Council shall, upon motion and majority vote, appoint all members of such Boards and Commissions. If the City Council does not approve a person recommended by the Mayor to fill a particular vacancy, the Mayor shall then submit a second name for such appointment. If the City Council does not approve the second person submitted by the Mayor, the Executive Committee of the City Council shall appoint a person to fill that vacancy. Further, if the Mayor fails to advance the name of a person to the City Council within sixty (60) days of the expiration of the term of an existing member, then the Council liaison to that Board or Commission shall advance the name of a person for appointment and upon the failure of the City Council to approve that person on the first vote, the Executive Committee shall appoint a person other than the person not approved by the City Council, to fill such vacancy. If the Mayor fails to timely advance a name for appointment and there is no City Council liaison, the Executive Committee shall advance the name of a person to the City Council for appointment.

3-2-9. APPOINTMENT OF CITY ATTORNEY.

The City Attorney shall be appointed by the affirmative vote of four (4) aldermen upon recommendation of the City Manager. The Mayor shall have the power to veto such appointment, by written notice to the City Council giving the reasons

for such veto, filed with the City Clerk within fourteen (14) days of the Council's affirmative vote. The veto may be overturned by the affirmative vote of five (5) members of the City Council voting at the next regular meeting of the City Council. If there is a deadlock over such appointment, the City Manager shall appoint an interim City Attorney until such deadlock is broken.

SECTION 4: Section 3-6-2 entitled "Appointment" of Chapter 6 entitled "City Manager" of Article 3 "Officers and Administrators" of the Municipal Code of the City of Park Ridge, Illinois, shall be deleted in its entirety and a new Section 3-6-2 shall be inserted in lieu thereof and shall read as follows:

3-6-2 APPOINTMENT.

The City Manager shall be appointed by the affirmative vote of four (4) aldermen upon recommendation of the Mayor. The City Manager shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office. Such qualifications are hereby declared to be of a nature as to require special training or knowledge. At the time of appointment, the appointee need not be a resident of the City or of the State of Illinois, but shall reside within the City within six (6) months of appointment. No Alderman or Mayor may be appointed as City Manager during the term for which he/she shall have been elected, nor within one year after the expiration of that term. During the absence or disability of the City Manager, the Mayor with the advice and the consent of the City Council may designate some properly qualified person as Acting City Manager.

SECTION 5: Section 3-6-6 entitled "Duties of Manager" of Chapter 6 "City Manager" and Article 3 entitled "Officers and Administrators" of the Municipal Code of the City of Park Ridge, Illinois, shall be amended by deleting paragraph A of Section 3-6-6 in its entirety and amending paragraph B to read as follows and subsequently re-lettering the following paragraphs in order:

- A. The City Manager shall have the power to appoint and to discharge any Deputy City Manager, Assistant City Manager, Assistant to the City Manager or Administrative Assistant to the City Manager or any department head. All such appointments or discharges shall be based upon merit and the qualification or disqualification of such employees after the City Manager has reviewed the proposed appointment or discharge with the City Council.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

SECTION 7: The City Clerk is hereby authorized and directed to publish said Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this 21st day of July, A.D. 2008.

VOTE: AYES: Ald. Wsol, Schmidt, DiPietro, Bach, Allegretti, Ryan and Carey

NAYS: None

ABSENT: None

Approved by me this 21st day of July, A.D., 2008

Howard P. Frimark, Mayor

Attest:

Betty W. Henneman, City Clerk



CITY OF PARK RIDGE

MINUTES

PROCEDURES AND REGULATIONS COMMITTEE

May 6, 2008

7:00 p.m.

City Council Chambers

Aldermen Present: Chairman Jim Allegretti, Ald. David Schmidt, and Ald. Thomas Carey

Other Alderman Present: None

Staff Present: City Manager Pro-Tempore Juliana Maller, Acting Assistant City Manager Cathy Doczekalski, Acting Director of Community Development Carrie Davis and City Attorney Everette Hill

Others Present: Jen Conlon, Jeannie Markech, Pat Livensparger, Missy Langan, Bonnie Cannovino, Mike Casey, Judy Barclay, Susan Choglish, Adrienne Timm, Jean Dietsch, Pastor John (First United Methodist Church), Amity Caruba, Phil Donahue

- I. APPROVAL OF MINUTES – April 15, 2008 Meeting**
Moved by Ald. Carey, the Committee approved the minutes of the April 15, 2008 meeting as read.
- II. NON-MEMBER ALDERMEN WISHING TO BE HEARD ON A NON-AGENDA ITEM**
None.
- III. CITIZENS PRESENT WISHING TO BE HEARD ON A NON-AGENDA ITEM**
None.
- IV. ACTION ITEMS**
- A. Modifications to the Fair Housing Ordinance – Article 14, Chapter 14**
Chairman Allegretti stated he received a letter from Nick Milissis of the Fair Housing Commission. The letter requested that the Committee not approve the draft ordinance and try to work out a compromise.
- Action:** This item was deferred until the next meeting.
- B. Modifications to the Municipal Code – Appointment Process**
The Committee reviewed a draft ordinance that would make all of the appointments consistent with each other. Ald. Schmidt stated he does not see a reason to fix the process, as it has been working. Moved by Ald. Carey, the Committee approved the draft ordinance.
- Action:** Place on next City Council agenda for first reading.



CITY OF PARK RIDGE

MINUTES

PROCEDURES AND REGULATIONS COMMITTEE

June 3, 2008

7:00 p.m.

City Council Chambers

- Aldermen Present:** Chairman Jim Allegretti, Ald. Thomas Carey, and Ald. David Schmidt
[arrived at 8:05 p.m.]
- Other Alderman Present:** Ald. Rich DiPietro and Ald. Don Bach
- Staff Present:** Mayor Howard Frimark, City Manager Pro-Tempore Juliana Maller, Acting Assistant City Manager Cathy Doczekalski, Acting Director of Community Development Carrie Davis, City Attorney Everette Hill, and Senior Administrative Assistant Barb Cannon
- Others Present:** Phil Donahue, Judy Barclay, Charlie Melidosian, Pat Livensparger, Missy Langan, Nan Parson, Sue Bell, Richard Schewfelt, Jon Teich

- I. APPROVAL OF MINUTES – May 6, 2008 Meeting**
Moved by Ald. Carey, the Committee approved the minutes of the May 6, 2008 meeting as read.
- II. NON-MEMBER ALDERMEN WISHING TO BE HEARD ON A NON-AGENDA ITEM**
None.
- III. CITIZENS PRESENT WISHING TO BE HEARD ON A NON-AGENDA ITEM**
None.
- IV. ACTION ITEMS**
- A. Modifications to the Municipal Code – Appointment Process**
Ald. DiPietro addressed the Committee regarding revisions to Article 3, Chapters 1 and 2 of the Municipal Code. He believes Article 3-1-1 of the proposed ordinance would reverse one wrong practice for another. He asked the Committee to send this Ordinance back to the City Council with the recommendation to rescind Appendix I of the 3P Manual and to add “with the advice and consent of the City Council” to Article 3, Section 1-1A of the proposed Ordinance. Ald. Carey concurs except as to “matter of consent”. Ald. Allegretti concurred and moved to amend the proposed ordinance to read “with the advice of the City Council” and to rescind any policy statement in the 3P manual which conflicts with any provisions of this ordinance. Motion carried.
- Action: Place on next City Council agenda for first reading.**
- B. Approval for Process for PADS Shelter**
Ald. Carey inquired if St. Paul of the Cross’ statement that the proposed PADS shelter would move from St. Mary’s to St. Paul of the Cross, made the night before at the City Council Meeting, was a formal announcement.

City Council

Agenda Cover Memorandum

Meeting Date: July 21, 2008

Item Title: Final Approval of modifications to the Municipal Code and 3P Manual – Appointment Process

Committee Action Requested:

- Approval
 For discussion
 Feedback requested

Staff Contact: Buzz Hill, City Attorney
Phone Number: 847/318-5207

Background:

Attached is a draft ordinance regarding the appointment process of council committees, boards and commissions and other officers of the City. This memo was drafted upon the request of Chairman Allegretti.

The Procedures and Regulations Committee discussed the proposed ordinance at the March, April and May P&R meetings.

The City Council approved the first reading of the ordinance at its June 16, 2008 meeting with a modification to Section 3-1-1A so it reads, "The Mayor shall appoint with the advice of the City Council."

Recommendation:

Move final approval of the ordinance amending Article 3, Chapters 1 and 2 of the Municipal Code with regards to appointments.

Move approval to rescind Appendix I (Rules for Committee and Commission Assignments and Appointments).

Budget Implications:

Does Action Require an Expenditure of Funds: Yes No
If Yes, Total Cost:
If Yes, is this a Budgeted Item: Yes No

Attachments:

- Draft ordinance
- Appendix I of the 3P Manual

DRAFT

Ald. Schmidt moved the City Council approve the first reading of Ordinance for Text Amendments to the Zoning Ordinance, Case Number S-07-01. Seconded by Ald. Bach.

Ald. Wsol was uncertain of the term "adjacent to" and its meaning in the Ordinance. Ald. Schmidt suggested eliminating R5 completely from the Zoning Ordinance. Ald. Wsol concurred. Ald. Wsol also recommended that the 2025 Committee discuss and analyze the matter, bringing any suggested changes to the Council. Acting Director Davis cautioned Council regarding removal of any purpose statement from the Ordinance.

Ald. Schmidt withdrew his motion.

Ald. DiPietro moved to delay addressing the agenda item until the next City Council meeting on August 18, 2008. Seconded by Ald. Carey.
On voice vote, motion passed.

Zoning Board of Appeals – Ald. Schmidt

(Variance at 235 South Dee Road)

Ald. Schmidt moved the City Council approve the final reading of Ordinance granting a variance at 235 South Dee Road, Case Number V-08-07. Seconded by Ald. Wsol.

ON ROLL CALL VOTE:

AYES: Ald. Ryan, Carey, Wsol, Schmidt, DiPietro, Bach and Allegretti

NAYS: None

ABSENT: None

Motion passed with 7 affirmative votes.

Ald. Schmidt moved the City Council approve the first reading of an Ordinance Granting a Variance at 2701 Oakton, Zoning Case Number V-08-08. Seconded by Ald. Wsol.

On voice vote, motion passed.

Ald. Schmidt moved the City Council approve the first reading of Ordinance granting Variances at 431 S. Fairview, Zoning Case Number V-08-10. Seconded by Ald DiPietro.

On voice vote, motion passed.

Ald. Schmidt moved the City Council approve the first reading of Ordinance granting a Variance at 401 West Talcott Road, Zoning Case Number V-08-12. Seconded by Ald. Wsol.

On voice vote, motion passed.

STANDING COMMITTEES

PROCEDURES AND REGULATIONS COMMITTEE - Ald. Allegretti

Ald. Allegretti moved the City Council's final approval of modifications to the Municipal Code – Appointment Process. Seconded by Ald. DiPietro.

ON ROLL CALL VOTE:

AYES: Ald. Wsol, Schmidt, DiPietro, Bach, Allegretti, Ryan and Carey

NAYS: None

ABSENT: None

Motion passed with 7 affirmative votes.