



City of Grand Island

Tuesday, March 10, 2015

Council Session

Item F-1

**#9525 - Consideration of Approving Ordinance Transferring
Community Development Division from Finance to Planning
Department**

Staff Contact: Robert J. Sivick, City Attorney

Council Agenda Memo

From: Robert J. Sivick, City Attorney

Meeting: March 10, 2015

Subject: Consideration of Approving Ordinance Transferring
Community Development Division from Finance to
Planning Department

Item #'s: F-1

Presenter(s): Marlan Ferguson, City Administrator

Background

In 1973 the Nebraska legislature passed LB 299 which was codified at Neb. Rev. Stat. §§18-2101 – 18-2144. Neb. Rev. Stat. §18-2101.01 states in part,

Cities of all classes and villages of this state are hereby granted power and authority to create a community development agency by ordinance, which agency may consist of the governing body of the city or village or a new or existing municipal division or department, or combination thereof.... Cities of all classes and villages of this state are also granted power and authority to do all community development activities, and to do all things necessary to cooperate with the federal government in all matters relating to community development program activities as a grantee, or as an agent or otherwise....

On April 25, 2000 the Grand Island City Council (Council) passed Ordinance 8586 which created the Community Projects Department and the position of Community Projects Department Director. As part of that department the Community Development Division was created as well as the position of Community Development Division Director. The Community Development Division Director answered directly to the Community Projects Department Director.

On February 22, 2005 the Council passed Ordinance 8954 which eliminated the Community Projects Department and its Director position. The Community Development Division was transferred to the Planning Department. The Planning Director was assigned to serve as the Director of the Community Development Division as well.

On March 28, 2006 the Council passed Ordinances 9036 and 9038 which together transferred references to the Community Development Division from Chapter 2 of the Grand Island City Code (Code) to a newly created Chapter 37.

On November 22, 2011 the Council passed Ordinance 9347 which transferred the Community Development Division from the Planning to the Finance Department and designated the Finance Director as the Director of the Community Development Division. That Ordinance created the present state of affairs.

Discussion

The Administration examined this matter at length and concluded the best way to manage the Community Development Division and provide its services to the community would be to return to the state of affairs that existed prior to the approval of Ordinance 9347. This would mean transferring the Community Development Division from the Finance to the Planning Department and designate the Planning Director as the Director of the Community Development Division. The Ordinance before the Council for consideration accomplishes that.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve Ordinance #9525.

Sample Motion

Move to approve Ordinance #9525.

ORDINANCE NO. 9525

WHEREAS, the functions and responsibilities of the Community Development Division are better suited to and can be more effectively and efficiently carried out by the Planning Department,

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

I. That the Grand Island City Code be amended to add the following additional provisions:

Chapter 37 – Planning and Community Development

Article III. Community Development Division

§37-22. Community Development; Purpose

The purpose of this article is to set forth the manner in which the City shall exercise all the power and authority to engage in community development activities granted to the City under the statutes of this state, including but not limited to, the Community Development Law set forth in Neb. Rev. Stat. §18-2101, et. seq. Pursuant to §18-2101.01 of that Act, the City hereby assumes all the power and authority granted to an urban renewal authority under said Act.

§37-23. Community Development Division

There is hereby created a division of the Regional Planning Department to be known as the Community Development Division, which shall be responsible for the performance of all administrative tasks involved in the implementation of the City's community development projects, programs, policies, and procedures adopted under the provisions of this article.

§37-24. Director; Appointment

The director of the Regional Planning Department shall act as director of the Community Development Division. The director shall be managed by and be subject to the personnel rules for the City of Grand Island.

§37-25. Director; Duties

The director of the Regional Planning Department shall be responsible for performing the professional work involved in carrying out the purposes of this article, for directing the work of the Community Development

§37-26. Advisory Committee

There is hereby created a Community Development Advisory Committee consisting of seven members. Six of the members shall be residents of the city of Grand Island. The seventh member shall be a member of the Grand Island City Council. All members shall serve without compensation. The initially appointed representatives shall consist of two appointed for a three-year term, two appointed for a two-year term, and two appointed for a one-year term. Thereafter, all appointments, other than vacancies, shall be for terms of three years. Appointments to fill vacancies shall be for the remainder of the term of the vacated position.

All members shall be appointed by the mayor and confirmed by the city council. Members may be removed without cause by the mayor with the consent of the city council. The advisory committee shall establish such rules and procedures as are necessary to carry out its duties. The Community Development Advisory Committee shall have the following duties:

Approved as to Form	☐ _____
March 6, 2015	☐ City Attorney

- (1) Monitor and investigate all existing and potential Community Development programs and projects.
- (2) Make recommendations on all existing and potential Community Development programs and projects, procedures, and all other aspects of the City's community development program.

II. That Article VII, Chapter 2, §§2-60 to 2-63 of the Grand Island City Code is hereby repealed.

III. This ordinance shall be in full force and will take effect from and after its passage and publication pursuant to law.

Enacted: March 10, 2015.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk