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August 22, 2019

TO: City Council & Mayor
RE: Minor Changes to City Code governing Council meetings

Council Members and Mayor Marlin:

To better reflect actual practice, the City Clerk's office is recommending several small changes in City Code, Chapter 2 per the enclosed strikethrough Ordinance 2019-08-051.

For section 2-4 Public Meetings, it is suggested that we drop the requirement for an individual to state his or her address. We have not been asking for anything other than name for some time, in accordance with a 2014 binding opinion, the Public Access Counselor of the Illinois Attorney General's Office ruled that a public body cannot require a person to disclose his or her address in order to speak at a public meeting.

For Section 2-27 Rules for deliberation, we have added a category to the agenda template that reflects the practice of having invited presentations early in our meetings. We also provide for the consent agenda under Standing Committee reports.

Finally, for Section 2-28, we suggest removing the ambiguity that has been created over time from use of the generic term City Council in our code which can be interpreted in some situations to include the mayor. We propose language stating that "The mayor is a nonvoting member of the committee and is not counted for the purpose of determining a quorum". Over time, standing committees of the past (composed only of Aldermen/women/persons) have been reduced to the current single Committee of the Whole. The mayor has separate executive and veto authority and under state statute votes at Council Meetings when directed by use of the term Corporate Authorities as listed in Appendix 8 of City Council Rules and Procedures.

If you have any questions or concerns, please email or call me.

-Charlie



ORDINANCE NO. 2019-08-051

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 2,
SECTIONS 2-4, 2-27, AND 2-28**

(Administration)

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

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 2-4 to establish rules for public participation at public meetings held by official bodies of the City; Section 2-27 to adopt rules for the deliberations of the City Council; and Section 2-28 to establish the City Council’s Committee of the Whole; and

WHEREAS, the City Council, after due consideration, finds that amending such sections as herein provided is in the best interests of the City and is desirable for the welfare of the City’s government and affairs.

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

Section 1. Urbana City Code Chapter 2, “Administration,” Article I, “In General,” Section 2-4, “Public meetings,” is hereby amended with the strikethrough text indicating deletions as follows:

Sec. 2-4. - Public meetings.

- (a) Any person who seeks to address the members of a commission, committee, or other official body of the city at any public meeting will be permitted to speak on any matter listed on the agenda or on any other matter of public concern, subject to the following provisions:
 - (1) The presiding officer shall designate a time during the meeting at which the public may address the members. The presiding officer may require persons wishing to speak during any portion of a meeting to sign in before the start of the meeting and to provide their names, addresses, and topics to be discussed.

- (2) Prior to speaking, each person must be recognized by the presiding officer and must state his or her name ~~and address~~ for the record.
- (3) Subject to subsection (a)(4), public comment is limited to no more than five (5) minutes per person and to no more than two (2) hours per meeting, unless extended by consent of a majority vote of the members present. The presiding officer or his or her designee shall monitor each speaker's use of time and shall notify the speaker when the time allotted has expired.
- (4) If the presiding officer recognizes that more than twenty (20) persons desire to speak, he or she may limit each speaker to comments of no more than three (3) minutes. Whenever any group of persons wishes to address the members on the same subject matter, the presiding officer may ask that a spokesperson be chosen from the group. If additional matters are to be presented by other persons in the group, the presiding officer may limit the number of such persons and may limit the presentation to information not already presented by the group spokesperson.
- (5) Persons invited by the presiding officer to address the members are subject to such time limitations as the majority of the members present may prescribe.
- (6) Separate rules, as required by law or as otherwise provided in this Code, will govern the conduct of quasi-judicial hearings.

(b) The city clerk shall post the provisions of subsection (a) on the city's website.

Section 2. Urbana City Code Chapter 2, "Administration," Article II, "Elected Officials," Division 2, "City Council," Section 2-27, "Rules for deliberations," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

Sec. 2-27. - Rules for deliberations.

The following rules for the government of the deliberations of the city council are hereby adopted:

- (1) The city council shall determine its own rules of proceeding, which rules must be adopted and approved by a two-thirds vote of all the members of the council, and no such rule may be repealed, annulled, amended, abridged, modified or suspended except by a two-thirds vote of all the members of the council. On all points of order not otherwise specifically provided for in such rules of proceeding, "Robert's Rules of Order," as may from time-to-time be revised, is adopted and made the law governing the deliberations of the city council.
- (2) The order of business of all regular meetings of the city council shall be as follows:
 - a. Approval of minutes of the proceedings of regular and special meetings.
 - b. Additions to agenda.

c. Presentations.

~~e.d.~~ Public input.

~~d.e.~~ Unfinished business.

f. Reports of standing committees.

1. Consent agenda

2. Regular agenda

~~e.g.~~ Reports of special committees.

~~f.h.~~ Reports of officers.

~~g.i.~~ New business.

~~h.j.~~ Adjournment

- (3) Whenever it shall become necessary for a number smaller than a majority of the city council to compel the attendance of absentee members in order to constitute a quorum to do business, a fine of two hundred dollars (\$200.00) may be imposed upon any such absentee member for failure to so attend.
- (4) At any meeting of the city council, upon the making of and second to a motion (whether phrased as a "motion to defer" or otherwise), the effect of which would be to postpone consideration of any agenda item to the next regular meeting of the council, which such agenda item is then before the city council for the first time by motion made and seconded, any such agenda item shall be automatically deferred for final action thereon to the next regular meeting of the city council, unless upon the making of and second to a subsequent motion, three-fourths ($\frac{3}{4}$) of those aldermen/alderwomen present vote to consider such deferred item at a special meeting to be called and held before the date of the next regular meeting.

Section 3. Urbana City Code Chapter 2, "Administration," Article II, "Elected Officials," Division 2, "City Council," Section 2-28, "Committee," is hereby amended with the underlined text indicating new language as follows:

Sec. 2-28. - Committee.

To afford the opportunity to more thoroughly examine matters under consideration, the city council shall meet regularly on the second and fourth Monday of each month as a committee of the whole. The mayor is a nonvoting member of the committee and is not counted for the purpose of determining a quorum. The chair and vice-chair of the committee shall be selected by the council as established by council rules.

Section 4. Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 5. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage.

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 date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this date day of Month, Year.

Diane Wolfe Marlin, Mayor