



CITY OF URBANA
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TO: Mayor Laurel Lunt Prussing and Urbana City Council

FROM: Curt Borman, Acting City Attorney

DATE: May 9, 2011

SUBJECT: Consideration of an Ordinance Amending Chapter Two, Section 2-4, of the Urbana City Code (public meetings)

Introduction

This proposed Code amendment establishes rules for public participation at City Council and Committee of the Whole meetings and at public meeting held by commissions, committees, and other official bodies of the City.

Background

On January 1, 2011, Public Act 96-1473 became law, amending the Open Meetings Act¹ to require that any person be permitted an opportunity to address public officials at public meetings under rules established and recorded by public bodies.² The proposed ordinance amends Section 2-4 of the Urbana City Code to comply with the new legislation.

Under the proposed rules, persons who desire to speak at the public participation portion of an open meeting may comment on any matter of public concern, even if the topic is not listed on the meeting agenda. Each speaker's time will be limited to no more than five minutes, unless the majority of the members of the official body in attendance vote to extend the speaker's time. If more than 20 persons desire to speak, however, each person's time may be limited to three minutes. Prior to speaking, each person must be recognized by the person presiding over the meeting. The total time allotted for public comments may not exceed two hours in any meeting without the approval of the majority of the present members of the body. Invited guest speakers will not be subject to these time limitations. The proposed rules will not apply to quasi-judicial hearings if separate rules have been established. The amendment also requires the City Clerk to post the new rules on the City's website.

¹ 5 ILCS 120/1 *et seq.*

² 5 ILCS 120/2.06(g).

Fiscal Impact

Not applicable.

Recommendation

Approve the ordinance amending Chapter Two, Section 2-4, of the Urbana City Code.

ORDINANCE NO. 2011-05-033

AN ORDINANCE AMENDING CHAPTER TWO, SECTION 2-4, OF THE URBANA CITY CODE (public meetings)

WHEREAS, the City of Urbana ("City") is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois; and

WHEREAS, the City's committees, commissions, boards, and other official bodies are subject to the provisions of the Open Meetings Act, 5 ILCS 120/1 *et seq.*; and

WHEREAS, Public Act 96-1473, adopted by the 96th Illinois General Assembly, amended the Open Meetings Act to provide that any person will be permitted an opportunity to address public officials at public meetings under rules established and recorded by the public body; and

WHEREAS, Section 2-4 of the Urbana City Code establishes rules for public participation at public meetings held by official bodies of the City; and

WHEREAS, the Mayor and the City Council find that communication between the public and City officials is a vital and necessary function of City government; and,

WHEREAS, the Mayor and the City Council find that amending Section 2-4 will promote the City's longstanding practice of allowing the public to address City officials on matters of public concern.

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

Section 1.

Urbana City Code Chapter Two, "Administration," Article I, "In General," Section 2-4, "Public hearings," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

~~Sec. 2-4. Public hearings.~~

~~At any public hearing or portion of a meeting, declared by the chairperson thereof to be for remarks from the public, held by~~

~~any commission, committee or other official body of the city, any resident of the city shall have the right to appear and to speak at such hearing. In addition, any persons residing within the extraterritorial jurisdiction of the city of Urbana shall have the right to speak before any body with responsibilities which include the exercise of that extraterritorial jurisdiction during the public hearing portions thereof. However, any commission, committee or other official body, or the chairperson thereof, may formulate a set of rules setting time limits and reasonable priorities for appearances at public hearings held before the commission, committee or other official body. First priority in all cases before the plan commission shall be given to those residents living within reasonable proximity of subject property. No rules drawn by any commission, committee or other official body, or the chairperson thereof, shall deny the right of any resident of the city, in the case of bodies with responsibilities over that subject matter to appear and speak at a public hearing. Nothing in this section shall be interpreted as denying the right of any person to submit written statements to the commission, committee or other official body holding a public hearing.~~

~~(Code 1975, § 1.17; Ord. No. 7980-113, § 6(A), 6-16-80)~~

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 2-4(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 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.

6. 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.

5. 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 2-4(a) on the city's website.

Section 2.

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 3.

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 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and 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 ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor