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TO: Urbana City Council, Mayor Marlin

FROM: Charlie Smyth, City Clerk
James Simon, City Attorney

DATE: July 6, 2017

SUBJECT: Rules Resolution and Ordinance

Through the years, the City Council has operated under one or more sets of rules separate and apart from Robert's Rules of Order. Further, over time, some of the purpose and intent of one or more City Council rules have been unclear insofar as how they may apply in certain circumstances. The attached set of draft rules are recommended by the City Clerk and the City Attorney. They have been edited to clarify the procedural aspects of conducting City Council and Committee of the Whole meetings.

Summary of requested changes and clarifications:

Ordinance No. 2017-06-033

- Per Committee of the Whole request the City Attorney suggests adding language for cancellation of Committee of the Whole meetings which that mimics UCC Sec 2-25 governing City Council meetings.
- The City Clerk suggests adding "rescheduled" meetings as well, as this flexibility is needed when the City Council or Committee of the Whole meetings are postponed.

We believe that this ordinance can be sent to Council for approval.

Resolution No. 2017-07-045R

- The adoption of Council and Committee Rules is now in resolution form rather than in ordinance form since the Rules need not be published in the City's online code service hosted by MuniCode.
- The City Attorney has sought to clarify the procedures for placing items on agendas
- The City Attorney has suggested a rewrite for Rule #2 and again, the "rescheduled" option is added here as well.
- The City Attorney has suggested a rewrite of Rule #3.
- Substantially altered language is recommend for Rule #4 which deals with the Resolution on Resolutions.
- Rule #5, minor edits are recommended for clarification.



- For Rule #6, the City Attorney has recommended that certain language be added regarding when a vita is not needed.
- Rule #7, certain minor editing has been recommended for clarification.
- Rule #8, the reductions to 5 and 10 minutes per council request have been made.

This resolution is still a work in progress and we recommend keeping it in committee pending discussion.

Finally, it is suggested that a discussion of the Pledge of Allegiance be separate from the ordinance and resolution as that is not addressed herein and is based on a standalone resolution.



ORDINANCE NO. 2017-06-033

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 2, SECTIONS 2-24, 2-25, AND 2-27

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 regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City Council heretofore did enact Urbana City Code Section 2-24 to describe the composition of the City Council, Section 2-25 to establish procedures for meetings of the City Council, and Section 2-27 to adopt rules for the deliberations of the City Council; 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 II, "Elected Officials," Division 2, "City Council," Section 2-24, "Composition," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

Sec. 2-24. - Composition.

The city operates under the mayor-aldermanic form of government. The city council shall consist of the mayor and seven (7) aldermen, elected for four (4) year terms as provided by state law. The terms "alderman," "alderwoman," ~~or "alderperson,"~~ or "council member", and their respective plurals, shall be acceptable for use as a title by the elected or appointed representatives of each of the wards. Each member may direct which of the terms shall be used by the clerk in the official records, journals, and procedures of the city council to record such members' official conduct. As used in this Code, the words "alderman." "alderwoman." "alderperson." or "council member" ~~alderman/alderwoman, or alderperson'~~ shall be construed and considered to have full and equal legal affect and be synonymous.

Section 2.

Urbana City Code Chapter 2, "Administration," Article II, "Elected Officials," Division 2, "City Council," Section 2-25, "Meetings," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

Sec. 2-25. - Meetings.

(a) The regular meetings of the city council shall be held on the first and third Mondays of each month during the year, except when such Monday shall happen to be a legal holiday, in which case the city council shall meet on the first Tuesday evening following. The regular meeting of the city council shall be convened at the hour of 7:00 p.m., or at such time thereafter upon the adjournment of a scheduled public hearing, township board meeting, or other duly scheduled business of the council. The term "legal holiday" as used shall mean the following days only;

- (1) New ~~Year's~~ ~~Years~~-Day;
- (2) The Friday preceding Easter;
- (3) Memorial Day;
- (4) Independence Day;
- (5) Labor Day;
- (6) Veterans Day;
- (7) Thanksgiving Day;
- (8) The day following Thanksgiving;
- (9) Christmas Day;
- (10) Martin Luther King, Jr.'s Birthday.

~~A regularly scheduled meeting of the city council may be canceled by a vote or written communication from the majority of the alderwomen and aldermen holding office. A committee meeting may be canceled by the chair of such committee.~~

(b) A meeting of the city council may be cancelled or rescheduled by:

- (1) a motion passed by a majority vote of the city council members then holding office;
- (2) one or more written communications to the city clerk in which a majority of the city council members then holding office request the cancellation or rescheduling of a meeting;
or
- (3) a written communication to the city clerk from the mayor which states that:
 - a. the mayor anticipates a lack of a quorum; or
 - b. there are no agenda items to be considered for final action; or
 - c. an emergency exists or will exist at the time when the meeting is to be convened which affects or which is expected to threaten human life, health, safety, or welfare.

(c) A meeting of the committee of the whole may be cancelled or rescheduled in the same manner as a meeting of the city council except that where written communication is required from city council members, such communication shall be required of committee of the whole members, and where communication is required from the member, such communication shall be required of the then sitting chair of the committee of the whole.

~~(b)~~(d) Special meetings may be called by the mayor or by any three (3) members of the city council whenever in the mayor's or their opinion it may be deemed necessary, in which event it shall be the duty of the mayor to cause every member of the city council to be served with notice of such special meeting, either by personal service or by leaving such notice at the member's usual place of business or residence, which notice shall state the date, time and purposes of such meeting. No business shall be transacted at any special meeting except as is stated in the notice and the agenda for the meeting. ~~Members~~ Alders ~~persons~~ who provide written request to be notified by an electronic transmission means available to the city clerk of special council meetings shall be notified at an address provided for such transmission at least twenty-four (24) hours before the start of any special council meeting.

~~(e)~~(e) No member of the city council, employee of the city, or any other person shall disclose to any other person the content or substance of any closed meeting or session except as provided for in the Open Meetings Act or as authorized by five (5) council members.

Section 3.

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

(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. Public input. ~~Petitions and communications to the Council.~~
- d. Unfinished ~~Old~~ business.
- e. Reports of standing committees.
- f. Reports of special committees.
- g. Reports of officers.
- h. New business.
- i. Adjournment

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 ____ day of _____, _____.

AYES:

NAYS:

ABSTAINED:

Charles A. Smyth, City Clerk

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

Diane Wolfe Marlin, Mayor

RESOLUTION NO. 2017-07-045R

A RESOLUTION AMENDING URBANA CITY COUNCIL AND COMMITTEE OF THE WHOLE RULES

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 regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*) grants to the City Council the power and authority to determine its own rules of proceeding; and

WHEREAS, heretofore, the City Council adopted certain rules to govern its and its Committee of the Whole proceedings; and

WHEREAS, the City Council now deems it appropriate to amend its rules governing its and its Committee of the Whole proceedings.

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

Section 1.

The City Council’s Rules shall be and hereby are amended such that they shall read as follows:

Rule #1. Agenda Preparation. ~~Items shall be placed on the printed agenda as follows:~~

The City Clerk shall create a written agenda for each City Council, Committee of the Whole meeting, and other special or committee meetings ~~composed solely of the corporate authorities.~~ Such agendas shall be prepared in accordance with the Open Meetings Act. ~~Items shall be placed on the printed agenda for any City Council and/or a Committee meeting in any of the follows ways:~~

(a) City Council Meetings:

~~If two (2) Alderpersons make a request of the Mayor to place an item on the Agenda, or if such item has been duly forwarded by one of the Council’s standing Committees, such item shall be placed on the printed Agenda for the next Council meeting.~~

Any item, whether or not such item requires final action by the City Council, shall be placed on the City Council’s meeting agenda by:

i. the Mayor; or

ii. the request of two or more Alderpersons; or

iii. an affirmative vote by the Committee of the Whole to move an item forward to the City Council.

(b) Committee of the Whole Meetings:

~~(1) If an Agenda item has previously been listed on the Agenda and discussed at a meeting of a Council Committee which occurred in the ninety (90) days immediately preceding the next scheduled meeting of one of the Council's Committees, such item can be placed on the printed Agenda only at the request of two (2) Alderpersons; and~~

~~(2) If an Agenda item does not fall within the description set forth in (1) above, such item may be placed on the Agenda of the Committee meeting by the Chair sua sponte, or at the request of any Alderperson.~~

Any item, whether or not such item requires an action to place it on the City Council's agenda for final action as provided in Subsection (a)iii of this Rule, shall be placed on the Committee of the Whole's meeting agenda by:

i. the Mayor; or

ii. the person who will chair the Committee of the Whole meeting at which such item is to be considered; or

iii. the request of [one/two] or more members of the Committee of the Whole.

Notwithstanding the foregoing, if an agenda item previously appeared on a Committee of the Whole agenda, was discussed by the Committee of the Whole, but for which no action was taken, such item may be placed on a subsequent Committee of the Whole agenda at the request of two members of the Committee of the Whole:

(c) Other Council Committees composed solely of the corporate authorities:

Unless directed otherwise, such committees shall prepare their agendas in the same manner as agendas are prepared for the Committee of the Whole.

Rule #2 Order of Meetings.

No Committee of the Whole shall meet on ~~the~~ day ~~of~~ and prior to when a regular City Council ~~prior to the meeting of the City Council~~ is scheduled to occur. However, a special or rescheduled City Council meeting may be convened on the same day and prior to a regularly scheduled Committee of the Whole meeting. Nothing in the foregoing shall be deemed or construed to prohibit the convening of a special City Council meeting to consider and take action on a matter which, if not attended to, may or will threaten human life, health, safety, or welfare or property or where time

is of the essence regarding the City Council's consideration of or final action on one or more matters.

Rule #3. Debate Limits.

~~At all Council meetings and Committee meetings, each Council member (including the Mayor) shall be limited to speaking five (5) minutes each time such member is recognized to speak, except during petitions and communications when any Council member would be allowed ten (10) minutes, and each council member shall be limited to speaking in debate only twice on any motion placed before the bod (if such motion is debatable).~~

(a) No discussion or debate shall proceed on any action item on the City Council's agenda unless and until the action item has received a motion to approve followed by a second to that motion. However, the immediate aforesaid rule shall not apply to items appearing on the Committee of the Whole agendas.

(b) At all meetings of the City Council and Committee of the Whole, whether regular or special, each of the corporate authorities and Committee of the Whole members (including the Committee chair), as the case may be, shall be allotted no more than five (5) minutes in which to speak when recognized on an agenda item. Each member of the corporate authorities and the Committee of the Whole (including the chair), as case may be, shall be limited to speaking only twice on each agenda item.

(c) Nothing in Subsections (a) and (b) of this Rule shall be deemed or construed as limiting the amount of time in which a member of the corporate authorities and Committee of the Whole, as the case may be, has to ask questions of a member of the public, City staff, or other person who is scheduled or who has requested to present information on an agenda item or, in the case of public input, on any matter presented during the public input portion of the meeting.

(d) Unless directed otherwise, other Council Committees composed solely of the corporate authorities shall follow procedures for the Committee of the Whole set forth in this Rule.

Rule # 4. ~~The Mayor or Chair shall retain the right to allow public input on issues at hand at times other than during "Petitions and Communications". Such input must be relevant to the issue at hand. The Council retains the right to determine whether a resolution brought before it is relevant to the City's business.~~ **A Resolution Respecting Passage of Resolutions.**

Except for resolutions relating to Champaign County zoning matters or those matters which come from other City of Urbana commissions and boards, all resolution to be acted upon by the City Council shall be first considered by the appropriate City Council committee (including the Committee of the Whole) and then only upon that committee's approval to send the matter on to the City Council

for final action. Notwithstanding the immediate foregoing, the City Council shall have the authority to consider a matter whether or not such matter has been first placed on an appropriate committee agenda and approved for consideration by the City Council if two-thirds (2/3rds) of the Alderpersons present at such City Council meeting vote to consider the matter without the matter having first been considered by the appropriate committee of the City Council and that committee's vote to move the item on for City Council consideration. However, any action for which final action is to be taken must appear on the City Council's agenda.

Rule #5. Draft Resolutions and Ordinances Presented by Alderpersons and Committee Members.

All proposed ordinances and resolutions or proposed changes in existing ordinances or resolutions shall be submitted to the City Clerk so that proper review may be made by the appropriate city staff.

In those instances where an Alderperson or Committee of the Whole member seeks adoption of a resolution or an ordinance and has a draft document, the Alderperson or said member shall provide a copy of the same to the City Clerk who shall, in turn, forward it to the appropriate City staff person for review, comment and editing to conform with the intent of the proposed resolution or ordinance and to assure that the same is in proper legal form, is included in the meeting packets for distribution to Alderpersons or committee members, as the case may be, and is posted to the appropriate meeting website.

Rule #6. Appointments.

All appointments to City commissions, boards and task forces, and all appointments of non-Civil Service City Officers shall be submitted, in writing, and with vita, to the Council with the regular distribution of the City Council Agenda and other materials prior to the City Council meeting at which said appointments are to be acted upon. The requirement for inclusion of vita shall not apply to reappointments to City commissions, boards and task forces, and the appointment of non-Civil Service City Officers.

Rule 7. Committee of the Whole, Chair.

(a) The Chair of the Committee of the Whole position shall rotate among the Alderpersons of each Ward in numerical order of such Wards (with Ward 1 following Ward 7) beginning after the swearing in of Alderpersons following an aldermanic election with Ward 1 and following through Ward 7. The Vice-Chair shall be the Alderperson of the Ward that bears the next highest number, except Ward 1 shall follow Ward 7.

(b) The Chair shall be in office from the time of adjournment of that Council meeting which precedes the Committee meeting for which the Chair shall serve and shall continue through adjournment of the subsequent City Council meeting. The Vice-Chair shall be in office only during a meeting where the scheduled Chair is not

in attendance, where the Chair relinquishes to enter debate, or as delegated by the Chair.

(c) The Committee of the Whole shall not be bound or limited by Robert's Rules of Order with respect to propriety of motions that can be made. Any parliamentary motion that would be in order at a regular City Council meeting shall be in order in a meeting of the Committee of the Whole.

(d) Since the Committee of the Whole is not vested with authority to take final action, all proposed motions, resolutions and ordinances which receive a second shall be voted upon by voice vote. If it is unclear as to the tally of votes by voice vote, then the Chair shall call for a vote by a show of hands.

Rule #8. Group Presentation Time Limits.

The time limit for making presentations during the Public Input portion of the agenda, during Presentations, or at the time when an agenda item is to be considered by the City Council or the Committee of the Whole, shall be limited to no longer than five (5) minutes. In the event a group of individuals acting together wish to make a presentation at the same time during the Public Input portion of the agenda or at the time when an agenda item is to be considered by the City Council or Committee of the Whole, such group presentation shall be limited to no longer than ten (10) minutes. Notwithstanding the foregoing, such time limits may be extended for a specifically stated period of time by a motion made and seconded and a vote by a majority of the Alderpersons then present [or by prior arrangement with the chair of the committee or Mayor].

Rule #9. Failure to Observe Procedures.

The Rules adopted by the City Council are to expedite the transaction of the business of the City Council in an orderly fashion during meetings of the City Council, Committee of the Whole, and other committees composed solely of the corporate authorities and are deemed to be procedural only. The failure to strictly observe such rules by the City Council or the Committee of the Whole shall neither affect the jurisdiction of either public body nor invalidate any action taken by either of them at a meeting that is otherwise held in conformity with law.

Section 2.

The following Resolutions shall be deemed null, void and of no further force and effect: Resolution Nos. 9495-R29, 9294-R30, together with such other Resolutions which have been previously approved by the City Council prior to the adoption of the rules set forth in Section 1 of this Resolution concerning the matters set forth in Section 1 of this Resolution.

Section 3.

Nothing in this Resolution shall be deemed, construed or interpreted is invalidating or affecting any resolution, except as provided in Section 2 of this Resolution, ordinance or other action heretofore approved by the City Council.

Section 4.

This Resolution 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:

ABSTAINED:

Charles A. Smyth, City Clerk

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

Diane Wolfe Marlin, Mayor