



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and City Council Members
FROM: Carol Mitten, City Administrator
DATE: January 13, 2021
SUBJECT: A Resolution Approving an Amendment to the City Council and Committee of the Whole Rules

Introduction: Council members Miller and Roberts offered a proposed Resolution for consideration by the Council that would change the City Council and Committee of the Whole Rules to provide an opportunity for members to respond to community input and/or make announcements at those meetings. With a few modifications, the Council consensus was to move the Resolution forward for action.

Discussion: The draft Resolution (see attached), as proposed by Council members Miller and Roberts and modified after Council discussion on January 4, 2021, provides for a standing agenda item for members to make public comments. In general, those comments may be responses to public input or announcements of community interest. The time limits included reflect the consensus that any item that engenders a lengthier discussion should be formally added to the agenda of a future meeting as a Discussion item.

The Council recognizes that it is important that the business portions of the agenda be completed. Therefore, the draft Resolution reflects that the opportunity for members to make comments (i.e., on non-agenda items) be at the end of the Committee meeting. At City Council meetings, however, the Council Input and Communications item will follow Public Input and Presentations.

In addition to the draft Resolution, I have included a mark-up version of the Resolution that incorporates suggested changes based on the legal sufficiency review, some editing for consistency, and one process suggestion of my own. The process suggestion relates to drafts of resolutions and ordinances that have not been shared with staff prior to being agendaized; without, at a minimum, review for legal sufficiency, no item should be placed on an agenda for proposed or final action. The suggested language also sets forth a process for submitting a proposed resolution or ordinance through the City Administrator.

Recommendation: I recommend that City Council approve the attached Resolution, including the amendments that I propose.

Attachment: Draft Resolution
Proposed Amended Resolution (Mark-Up)

RESOLUTION NO. 2021-01-003R

A RESOLUTION AMENDING THE 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, and the passage of this Resolution constitutes an exercise of the City's home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, Illinois Municipal Code Section 3.1-40-15 (65 ILCS 5/3.1-40-15) authorizes the City Council to determine its own rules of proceeding; and

WHEREAS, heretofore, the City Council has adopted certain rules governing the proceedings of the City Council and Committee of the Whole; and

WHEREAS, on December 16, 2019, the City Council passed Resolution No. 2019-12-055R to amend such rules of proceeding; and

WHEREAS, the City Council, after due consideration, finds that further amending these rules as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

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

Section 1.

The City Council's and Committee of the Whole's Rules, as approved by Resolution No. 2019-12-055R on December 16, 2019, are hereby amended and superseded, and as amended shall read as follows (deletions are shown with a ~~strike through~~ and additions are shown with an underline):

Rule 1. Agenda Preparation

The City Clerk shall create a written agenda for each City Council and Committee meeting and such agendas shall be prepared in accordance with the Open Meetings Act. Items shall be placed on the printed agenda for any City Council or Committee meeting in any of the following ing ways:

- (a) City Council Meetings: Any item, whether or not such item requires final action by the City Council, shall be placed on the City Council's meeting agenda:
 - i. at the request of the Mayor or two or more Alderpersons; or
 - ii. by an affirmative vote by the Committee to move an item forward to the City Council.

- (b) Committee Meetings: 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)ii of this Rule, shall be placed

on a Committee meeting agenda at the request of:

- i. the Mayor; or
- ii. the person who will chair the Committee meeting at which such item is to be considered; or
- iii. one or more members of the Committee.

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

Rule 2. Order of Meetings

No Committee of the City Council shall meet on a day and prior to when a regular City Council meeting is scheduled to occur. However, a special City Council meeting may be convened on the same day and prior to a regularly scheduled Committee 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. Council & Committee Input & Communications

To allow due process in acknowledging concerns of Councilmembers and concerns raised by the public, Councilmembers will have the opportunity to provide input, responses, and communications with respect to the following rules. Council Input and Communications shall follow the Public Input and Presentations portion of each City Council meeting, and Committee Input and Communications shall be the last agenda item at Committee meetings.

- (a) Chairs will ask for Council comments/announcements and recognize Councilmembers as they ask to be recognized for comments/announcements.
- (b) Councilmembers are limited to three (3) minutes for comments/announcements.
- (c) Each Councilmember shall be limited to speaking once until all others have had an opportunity to speak.
- (d) After each Councilmember has been given an opportunity to speak, Councilmembers will be recognized if they ask to speak and be allowed a single thirty (30) second response or comment.
- (e) Topics considered appropriate are as follows:
 - i. Responses to past or current public input given in session or via email.
 - ii. Topics of concern regarding City business or operations.
 - iii. Announcements of Ward specific or community events.

Rule 34. Debate Limits

- (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 Committee agendas.
- (b) At all meetings of the City Council and a Committee, whether regular or special, each member of the corporate authorities and the Committee, as the case may be, shall be limited to speaking only twice on each agenda item, and not more than three (3) minutes each time. The Mayor and the Chair of the Committee may provide information and clarification regarding agenda items and other issues and topics of discussion as they arise as well as participate in discussion and debate on the same. In order for the Mayor and the Chair of the Committee to participate in discussion and debate, ~~he/she~~they shall yield the chair to a Council or Committee member, as the case may be.²²
- (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 or a Committee, as the case may be, may 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) The City Council, the Committee of the Whole, and other City Council Committees composed solely of the corporate authorities may, by a majority vote of the members thereof, extend or otherwise alter the debate time limits provided in this Rule.

Rule 45. Draft Resolutions and Ordinances Presented by Alderpersons and Committee Members

In those instances where an Alderperson or Committee 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 will include it in the meeting packets for distribution to Alderpersons or Committee members, as the case may be, and post it on the appropriate meeting website. Optionally, the member may ask the Clerk to forward the item to appropriate staff for a specified level of review and editing. For topic title inclusion on the agenda and materials provided in packets, members may consult the City Clerk's schedule.

Rule 56. 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 City Council with the regular distribution of the 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 or to reappointments of non-Civil Service City Officers.

Rule 67. 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 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 at 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 that 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 78. Time Limits for Presentations Made at the Invitation of City Council or a Committee

Presentations made at the request or invitation of the City Council or a Committee, as the case may be, shall be limited to no more than ten (10) minutes per presentation regardless of the number of individuals who respond to the request or invitation. The City Council or the Committee, by a majority vote of their respective members, may extend the time limits provided in this Rule for a specified additional amount of time.

Nothing herein shall be deemed or construed as amending or modifying Urbana City Code, Section. 2-4. - Public meetings, concerning time limitations for addressing the City Council or a Committee during the public input portion of their respective meetings.

Rule 89. Observance of Rules

Unless directed otherwise, all City Council Committees composed solely of the corporate authorities shall follow the procedures set forth in these Rules. These Rules are adopted to expedite the transaction of the business of the City Council in an orderly fashion during City Council and Committee meetings and are deemed to be procedural only. The failure to strictly observe such Rules by the City Council or a Committee shall neither affect the jurisdiction of these public bodies nor invalidate any action taken by any of them at a meeting that is otherwise held in conformity with law.

Section 2.

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

Section 3.

This Resolution shall be in full force and effect from and after its passage.

This Resolution 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 _____, _____.

Diane Wolfe Marlin, Mayor

Proposed Amended Resolution (Mark-Up)

RESOLUTION NO. _____

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WHEREAS, on December 16, 2019, the City Council passed Resolution No. 2019-12-055R to amend such rules of proceeding; and

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 - ii. by an affirmative vote by the Committee to move an item forward to the City Council.
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Commented [MC1]: Editing for consistency.

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- i. the Mayor; or
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~~To acknowledge allow due process in acknowledging concerns of Councilmembers and concerns raised by the public, Councilmembers will have the opportunity to provide input, responses, and communications pursuant with respect to the following rules. Council Input and Communications shall follow the Public Input and Presentations portion of each City Council meeting, and Committee Input and Communications shall be the last agenda item at Committee meetings.~~

Commented [MC2]: Recommendation from Legal

Commented [MC3]: Recommendation from Legal

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Commented [MC4]: Need to clarify that Public Input is just for the Council/Committee members to listen.

Rule 45. Draft Resolutions and Ordinances Presented by ~~Alderspersons~~Council and Committee Members

In those instances where ~~a Council an Aldersperson~~ or Committee member seeks adoption of a resolution or an ordinance and has a draft document, ~~the Aldersperson or~~ said member shall provide a copy of the same to the City Clerk who will include it in the meeting packets for distribution to ~~Council Alderspersons~~ or Committee members, as the case may be, and post it on the appropriate meeting website. ~~When such an item is passed directly from a Council or Committee member to the Clerk, it shall be added to the relevant meeting agenda for Discussion only. Optionally, the Council or Committee member may ask the Clerk to forward the item to the City Administrator appropriate staff for a specified level of review by staff for accuracy, legal sufficiency, and response, as appropriate and editing. Subsequent to staff review, the item will be added to the agenda of the Committee of the Whole for proposed action. For topic title inclusion on the agenda and materials provided in packets, members may consult the City Clerk’s schedule.~~

Commented [MC5]: Editing for consistency.

Commented [MC6]: Editing for consistency.

Commented [MC7]: Proposed process changes.

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Section 3.

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This Resolution 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 _____, _____.

Diane Wolfe Marlin, Mayor