



July 20, 2017

To: City Council Members, Mayor Marlin

From: Legal, City Clerk

CC: Council Members Brown and Roberts

RE: **Resolution 2017-07-045R**: Resolution Adopting City Council and Committee of the Whole Rules

City Council Member Brown provided major typo correction of Rule 3 as last modified by the COW and in several other places.

For Rule 5, three alternatives (highlighted in yellow, blue, and grey) are provided with the 3<sup>rd</sup> version as drafted by Legal.

Rule 8 has been written for the "Presentation" portion of agendas and does not apply to the Public Input portion of agendas. For the Public Input portion of the agenda, Ordinance 2011-05-33 got rid of all prior rules and resolutions and is in conformance with State OMA requirements.

**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.**

The City Clerk shall create a written agenda for each City Council and Committee of the Whole 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 and/or a Committee of the Whole meeting in any of the follows 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 at the request of:

- 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:

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 ~~at the request of:~~ **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~~

### **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 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.**

(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) three (3) minutes in which to speak on an agenda item. Each~~ member of the corporate authorities and the Committee of the Whole (including the chair **and the Mayor**), as case may be, shall be limited to speaking only twice on each agenda item, and not more than three (3) minutes each time.

(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 City Council Committees composed solely of the corporate authorities shall follow the procedures for the Committee of the Whole as set forth in this Rule.

(e) 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 #3.

**Rule # 4. 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 resolutions 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.

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

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 will include it in the meeting packets for distribution to Alderpersons or committee members, as the case may be, and is posted to 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, please consult the City Clerk's schedule.

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~~ **may** 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. Each Committee of the Whole member has the option of placing material in the packet for an agenda item without editing by city staff. For topic title inclusion on the agenda and materials provided in packets, please consult the City Clerk's schedule.

~~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.~~ In those instances where an Alderperson or a Committee of the Whole member seeks to propose an ordinance or a resolution for adoption by the City Council, the Alderperson or Committee of the Whole member, as the case may be, shall provide the City Clerk with a copy of the said proposed ordinance or resolution. At the time the Alderperson or Committee of the Whole member provides the proposed ordinance or resolution to the City Clerk, the Alderperson or Committee of the Whole member shall advise the City Clerk whether or not the City Clerk should forward the proposed ordinance or resolution to an appropriate staff person in order to assure that the same is in proper legal form. If the Alderperson or Committee of the Whole member directs the City Clerk not to forward the proposed ordinance or resolution to an appropriate staff person for review, the City Clerk shall comply with the Alderperson's or Committee of the Whole member's direction. Thereafter, the City Clerk shall include the proposed ordinance or resolution in the City Council or Committee of the Whole meeting packets for distribution to Alderpersons or Committee of the Whole members, as the case may be, and shall cause the said packet contents to be posted to the appropriate meeting date on the City's website in compliance with the Open Meetings Act.

**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 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. Time Limits for Presentations Made at the Invitation of City Council or Committee of the Whole.**

~~The time limit for making presentations 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 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.~~

Presentations made at the request or invitation of the City Council or Committee of the Whole, 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 of the Whole, by a majority vote of their respective members, may extend the time limits provided in this Rule #8 for a specified additional amount of time.

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

**Rule #9. Failure to Observe Procedures.**

The provisions of this resolution are adopted to expedite the transaction of the business of the City Council in an orderly fashion during City Council and Committee of the Whole meetings 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 \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor