

December 5, 2019

To: Mayor Marlin, City Council Members

CC: City Administrator Mitten, Department Heads, Supervisor Chynoweth, Assessor Williams

RE: Ordinance and Rules Resolutions; Schedules for Township and Council

Setting annual schedules is on agendas for December 9, 2019 Cunningham Town Board and Urbana City Council Committee of the Whole (COW) meetings. The necessary Ordinance and rules changes have been prepared and are enclosed.

Proposed: City of Urbana, swap COW/City Council days to 1<sup>st</sup>/3<sup>rd</sup> and 2<sup>nd</sup>/4<sup>th</sup> Mondays

Swapping nights, as previously discussed, allows for some Plan Commission items go to committee first adding one week to the total process for all plan cases that involve council. This allows sufficient time to prepare materials post-Plan Commission meetings. Non-directive, routine items would continue forward directly to council. Alternatively, as was done last week, council could direct Special Committee meetings to precede council meetings for directive items, and would not swap nights. This requires suspending Rule 2 and council would have the 4 choices moving forward (sending to council that night, sending to committee following week, sending to special council meeting following week, or sending to regular council meeting 2 weeks forward). Having a special committee meeting is more cumbersome but is doable should you choose. For complicated issues, this might delay getting to the business of the regular council meeting.

Ordinance changes: Sections 2-25 and 2-28 of City Code Chapter 2 provide the necessary language to allow the swap of COW meetings with Council meetings. There is an additional correction provided noting that Committee meetings also move to Tuesday evenings should they happen to fall on a legal holiday Monday. Regardless of swapping Mondays, this change should be added to city code.

Resolution adopting council rules: Rule 4, the Resolution on Resolutions is removed. Additional language cleanup is provided and language related to Committee of the Whole was generalized to cover any committee of the City Council including Committee of the Whole.

Proposed: Cunningham Township start time of 6:30 pm.

In talking with Supervisor Chynoweth, Assessor Williams, Mayor Marlin, City Administrator Mitten, as well as staff, there is interest in setting regular Township meetings at 6:30 pm to last approximately 30 minutes. The Township could also move to meeting on the 2<sup>nd</sup> Monday if Council meeting nights move though there may be some scheduling conflicts with some participants.

December 23, Committee of the Whole meeting: Currently, there are no items for the December 23, 2019. This meeting could be tentatively cancelled. Also note that December 30 is a fifth Monday with no meeting.

**ORDINANCE NO. 2019-12-071**

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 2,  
SECTIONS 2-25 AND 2-28**

**(City Council and Committee of the Whole Meeting Schedules)**

**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 Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, the City Council heretofore has enacted Urbana City Code Section 2-25 to establish that regular City Council meetings generally are held on the first and third Mondays of each month and Section 2-28 to establish that regular Committee of the Whole meetings generally are held on the second and fourth Mondays of each month; and

**WHEREAS**, the City Council, after due consideration, finds that amending said sections to change the City Council and Committee of the Whole meeting schedules and make other changes 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 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 2-25, “Meetings,” subsection (a), is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

- (a) The regular meetings of the city council shall be held on the ~~second first~~ and ~~fourth 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 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.

## **Section 2.**

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 and the strikethrough text indicating deletions 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 ~~first second~~ and ~~third fourth~~ Mondays of each month as a committee of the whole, except when such Monday shall happen to be a legal holiday, in which case the committee shall meet on the first Tuesday evening following. The chair and vice-chair of the committee shall be selected by the council as established by council rules.

## **Section 3.**

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 4.**

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 5.**

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:

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Charles A. Smyth, City Clerk

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

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Diane Wolfe Marlin, Mayor

**RESOLUTION NO. 2019-12-055R**

**A RESOLUTION APPROVING AMENDMENT NO. 1 TO A  
RESOLUTION AMENDING URBANA CITY COUNCIL AND COMMITTEE  
OF THE WHOLE RULES**

**(Resolution No. 2017-07-045R)**

**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 August 7, 2017, the City Council passed Resolution No. 2017-07-045R 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:

The City Council’s and Committee of the Whole’s Rules, as approved by Resolution No. 2017-07-045R on August 7, 2017, are hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

City Council and Committee Rules

**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. at the request of the Mayor or two or more Alderpersons; or
  - ~~ii. the request of two or more Alderpersons; or~~
  - ~~iii.~~ ii. by an affirmative vote by the Committee ~~of the Whole~~ to move an item forward to the City Council.
  
- (b) Committee ~~of the Whole~~ mMeetings: 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 (a)iii~~ of this Rule, shall be placed on athe Committee ~~of the Whole's~~ meeting agenda at the request of:
  - 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 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 and, was discussed by the Committee ~~of the Whole~~, but ~~for which~~ no other 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 a Committee ~~of the Whole~~, whether regular or special, each member of the corporate authorities and the Committee ~~of the Whole~~, as 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 ~~of the Whole~~ 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 ~~of the Whole~~ to

participate in discussion and debate, he/she shall yield the chair to a Council or Committee member, as the case may be.<sup>2</sup>

- (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 and a~~ Committee ~~of the Whole~~, as the case may be, ~~may 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)~~(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. ~~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 45. 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 ~~C~~committee members, as the case may be, and ~~post it on 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, ~~members may please~~ 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 ~~City Council a~~ 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, ~~and the appointment~~ 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 or appointment 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 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 ~~78~~. Time Limits for Presentations Made at the Invitation of City Council or a Committee of the Whole**

Presentations made at the request or invitation of the City Council or a 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 Section See. 2-4. - Public meetings, concerning time limitations for addressing the City Council or a Committee ~~of the Whole~~ during the public input portion of their respective meetings.

**Rule ~~89~~. ~~Failure to~~ Observance of Rules Procedures**

Unless directed otherwise, all City Council Committees composed solely of the corporate authorities shall follow the procedures set forth in these Rules. These Rules ~~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 ~~R~~rules by the City Council or a ~~the~~ Committee ~~of the Whole~~ shall neither

affect the jurisdiction of ~~these either~~ public ~~bodies~~ ~~body~~ nor invalidate any action taken by ~~any either~~ of them at a meeting that is otherwise held in conformity with law.

**PASSED BY THE CITY COUNCIL** this Date day of Month, Year.

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Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this Date day of Month, Year.

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Diane Wolfe Marlin, Mayor