

ORDINANCE NO. 2020-09-049

AN ORDINANCE AMENDING CITY CODE CHAPTER 2, SECTION 2-4

(Public Comment During Public Meetings)

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 Section 2.06(g) of the Open Meetings Act (5 ILCS 120/2.06(g) provides: “Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body”; and

WHEREAS, the City Council believes that it is important to receive public comment and input during public meetings of the City Council, the City Council’s Committee of the Whole, City boards, City commissions, and other City-sponsored public bodies (hereinafter, collectively, “Public Meetings”) regarding matters of public business whether or not a specific matter of public business appears on a Public Meeting’s particular agenda; and

WHEREAS, the First Amendment protects the rights of persons who provide public comment and input at designated portions of public meetings conducted by the City; and

WHEREAS, the City has the legal right to provide time, place and manner restrictions, on public comment and input during Public Meetings which are consistent with the First Amendment so long as such restrictions are content neutral (*Milestone v. City of Monroe, Wisconsin*, 665 F.3d 774 (7th Cir. 2011); *Vega v. Chicago Board of Education*, 338 F.Supp.3d 806 (D.C. N.D. 2018)); and

WHEREAS, consistent with the First Amendment, the City has the legal authority to bar from public comment and input any abusive, threatening or defamatory language and personal attacks on City Council, Committee of the Whole, City boards, City commissions, and other City-sponsored public body members and/or City staff; and

WHEREAS, Urbana City Code Chapter 2, Section 2-4 establishes the City’s rules for the public to address City officials including members of the City Council, its Committee of the Whole, City boards, City commissions, and other City-sponsored public bodies; and

WHEREAS, the City Council has, from time to time, amended Urbana City Code Chapter 2, Section 2.4; and

WHEREAS, the City Council finds that it is reasonable and proper to amend Urbana City Code Section 2.4 as provided hereinafter.

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 2, "Administration"; Article I, "In General"; Sections 2-4, "Public meetings; Subsections 2.4(a)(3) and 2-4(a)(4), shall be and hereby are amended with underlined language signifying inclusions and with strike-through language signifying deletions as set forth hereinafter.

2-4. Public meetings.

(a) Any ~~person~~member of the public who seeks to address the members of the city council, the city council's committee of the whole, city boards, city commissions and other city-sponsored public bodies 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 follow the rules for deliberation provided in Section 2-27(2) of this chapter unless the order of the meeting agenda has been changed by a majority vote of the public body members present. 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 first and last name, city of residence, ~~addresses,~~ and topic(s) to be discussed.

(2) Prior to speaking, each person must be recognized by the presiding officer and must state his or her first and last name and city of residence.

(3) Subject to subsection (a)(4), public comment ~~is~~shall be limited to no more than three ~~five (35)~~ minutes per person and the public comment portion of the meeting shall total no more than ~~two (2) hours~~one (1) hour per meeting, unless otherwise shortened or extended by ~~consent of a majority~~two-thirds (2/3) vote of the public body members present. The presiding officer, ~~or~~ his or her designee, or the city clerk's office shall monitor each speaker's use of time and shall notify the speaker when the time allotted has expired. All public comments must be addressed to the public body as a whole and not to

individual members, city staff, or other members of the public. A person may speak only once during a meeting and may not cede time to another person. The presiding officer shall give priority to those persons who indicate they wish to speak on an agenda item upon which a vote will be taken.

(4) ~~If the presiding officer recognizes that more than twenty (20) ten (10) 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 public body 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.

(5) The mayor or presiding officer of the meeting shall have the authority to provide a verbal warning to a speaker who uses abusive, personal, threatening, or defamatory language or engages in disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of a meeting. If the speaker refuses to cease such remarks or conduct after being warned by the mayor or presiding officer, the mayor or presiding officer shall have the authority to bar the speaker from continuing with his or her public comment by turning the podium or video microphone off.

(6) Any member of the public may submit their comments addressed to members of the public body via email or in writing. If a person wishes their written or emailed comments to be included in the record of public input for the meeting, these written or emailed public comments must be submitted prior to the meeting. Specific instructions for emailed or written comments will be included in the agenda.

(7) Persons invited by the mayor or presiding officer to address the members of a city public body on a specific topic are subject to such time limitations as the majority of the members present may prescribe, shall be limited to the time limits set by the mayor or presiding officer at the time the invitation is extended unless otherwise shortened or extended by a majority vote of the public body members present to which the person is invited to speak.

(8) Separate rules, as required by law or as otherwise provided in this Code, will govern the conduct of quasi-judicial hearings.

Section 2.

Urbana City Code Chapter 2, “Administration”; Article II, “Elected Officials”; Division 2, “City Council”; Section 2-27, “Rules for deliberation shall be and hereby are amended with underlined language signifying inclusions and with strike-through language signifying deletions as set forth hereinafter. Sec. 2-27. - Rules for deliberations.

The following rules for the government of the deliberations of the city council are hereby adopted:

(1) The city council shall determine its own rules of proceeding, which rules must be adopted and approved by a two-thirds ($\frac{2}{3}$) vote of all the members of the council, and no such rule may be repealed, annulled, amended, abridged, modified or suspended except by a two-thirds ($\frac{2}{3}$) vote of all the members of the council. On all points of order not otherwise specifically provided for in such rules of proceeding, "Robert's Rules of Order," as may from time-to-time be revised, is adopted and made the law governing the deliberations of the city council.

(2) The order of business of all regular meetings of the city council shall be as follows:

- a. Call to order and roll call.
- b. Approval of minutes of the proceedings of regular and special meetings.
- c. Additions to agenda.
- d. Presentations and public input
- e. Unfinished business.
- f. Reports of standing committees.
 1. Consent agenda.
 2. Regular agenda.
- g. Reports of special committees.
- h. Reports of officers.
- i. New business.

j. Adjournment.

(3) Whenever it shall become necessary for a number smaller than a majority of the city council to compel the attendance of absentee members in order to constitute a quorum to do business, a fine of two hundred dollars (\$200.00) may be imposed upon any such absentee member for failure to so attend.

~~(4) At any meeting of the city council, upon the making of and second to a motion to defer (whether phrased as a “motion to defer” or otherwise), the effect of which would be to postpone consideration of any agenda item to the next regular meeting of the council. Such agenda item is then before the city council for the first time by motion made and seconded; any such agenda item shall be automatically deferred for final action thereon to the next regular meeting of the city council, unless upon the making of and second to a subsequent motion, three-fourths (3/4) of those aldermen/alderwomen present vote to consider such deferred item at a special meeting to be called and held before the date of the next regular meeting.~~ At any meeting of the city council, any item on that meeting agenda may be deferred to the next regularly scheduled city council meeting upon a council member making and another city council member seconding a motion to defer the said item. At the meeting to which the said agenda item was deferred, the city council may defer the said agenda item a second time and to a later specified regular or special upon a motion by a city council member to defer, a second of that motion by another city council member, and an affirmative vote on the motion of three-fourths (3/4) of those city council members present.

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.

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 and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

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

Diane Wolfe Marlin, Mayor