

ORDINANCE _____

Synopsis: Adoption of this ordinance would amend the City Council Rules and Procedures by deleting the previous Section 8 entitled "Citizen's Rights" and creating a new Section 8 entitled "Public Comment at City Meetings"

AN ORDINANCE AMENDING THE RULES OF PROCEDURE, ESTABLISHING AND RECORDING RULES FOR PUBLIC COMMENT AT CITY MEETINGS

WHEREAS, the City of Washington (hereinafter "City"), is an Illinois home rule municipal corporation in accordance with the 1970 Constitution of the State of Illinois; and

WHEREAS, the Illinois Open Meetings Act 5 ILCS 120/1 et. seq., ("OMA") requires that 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 recognizes the right to Freedom of Speech and has historically always encouraged public comment at City Council and other City meetings; and

WHEREAS, the City Council desires and believes it is in the best interest of the City to adopt rules and procedures for public comment at City meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEVELL COUNTY, ILLINOIS, A HOME RULE MUNICIPALITY, AS FOLLOWS:

SECTION 1: Recitals. The City Council finds the facts and statements contained in the preambles to this Ordinance are true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: Adoption. The City Council adopts the following rules regulating public comment and participation at City meetings, including any meeting of: City Council, City Council Standing and Ad Hoc Committees, Planning and Zoning Commission, Board of Police Commissioners, or any other committee or body authorized to meet by the City. These rules supersede Section 8 of the City Council Rules and Procedure, passed and approved by the City Council at a regular meeting May 16, 1983, and are hereby codified as:

Rule of Procedure - Section 8. "Public Comment at City Meetings."

(8.1) **Background:** Pursuant to the Open Meetings Act, 5 ILCS 120/2.06(g), any person shall be permitted the opportunity to address public officials under the rules established and recorded by the public body. Public participation and comments at meetings of the City of Washington are limited to the portion of the City meeting as provided for in the meeting agenda, and shall be permitted in accordance with the provisions of this section.

(8.2) **Manner of Addressing Public Officials:** The presiding officer shall determine the order of turn in which members of the public address and comment at any City meeting. All individuals being called shall speak so he/she can be heard in an audible tone of voice. Such comments by any one person shall be limited to five (5) minutes in any City Council meeting, or three (3) minutes in any other City meeting, unless an extension of time is granted at the presiding officer's discretion. Citizens shall not yield unused time to other speakers. The presiding officer shall have the right at any time to close comment by that person, when, in the presiding officer's discretion, such input violates the provisions of these rules, or is otherwise irrelevant, repetitious or disruptive. A total period of time not to exceed twenty (20) minutes for any City Council meeting, or fifteen (15) minutes for any other City meeting will be devoted to public comment. This amount of time shall be extended only upon a motion and second of the City Council or Committee, and a majority vote in favor thereof. Any person who is not able to address the public body due to time constraints will be encouraged to attend a subsequent meeting to address the public body or to provide written comments.

(8.3) Redundancy: If numerous persons wish to comment on a single topic, the presiding officer may recognize a specified number of individuals who wish to speak in favor of, against or wish to make general comments regarding the topic. The City Council or City Committee shall not be required to allow every person who wishes to address the issue to do so, but as many views as possible are encouraged to be heard. Any person who is not able to speak during the time for public comment shall be allowed and encouraged to present his or her views to the City Council or City Committee in writing.

(8.4) Decorum. While making public comment during any City meeting, members of the public shall address the entire public body, and shall not attempt to address or enter into dialog with individual members of the public body. Any person who uses profanity, or engages in threatening, inappropriate, offensive, slanderous or disorderly behavior, shall be deemed out-of-order by the presiding officer and his or her time for public comment shall end.

An individual who violates any of the rules specified herein may be removed from the City meeting at the discretion of the presiding officer.

SECTION 3: Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain to be valid in any one or more of its several applications. All valid applications that are severable from the invalid applications shall remain in full force and effect.

SECTION 4: Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City of Washington prior to the effective date of this ordinance.

SECTION 5: Effective Date. This Ordinance shall be in full force and effective immediately from and after its passage, and approval as provided by law.

PASSED AND APPROVED in due form of law at a regular meeting of the City Council of the City of Washington, Tazewell County, Illinois, on the _____ day of _____, 2017.

Ayes: _____

Nays: _____

Mayor

ATTEST:

City Clerk