



## CITY OF WASHINGTON, ILLINOIS

### City Council Agenda Communication

**Meeting Date:** August 17, 2020

**Prepared By:** Ray Forsythe, City Administrator, Derek Schryer, City Attorney

**Agenda Item:** Ordinance Revising the Rules of Procedure

**Explanation:** The City Council adopted Rules of Procedure on May 16, 1983 (the "Rules"). Over the years, the Rules have only been amended twice, first in November 2017 by Ordinance No. 3260, related to Public Comments and in July 2020 by Resolution No. 1305, related to Remote Attendance by Council members. This restatement of the Rules revises the Rules to be consistent with the Open Meetings Act; incorporates updates and cross references to the City of Washington Code of Ordinances and updates the Rules to match the current practice related to the Agenda, development of Ordinances, Resolutions. Council has expressed widespread support that these portions of the Rules should be revised.

Council was divided as to whether the proposed restated Rules should include a revision to the Legal Opinions section. Attached to this Memorandum are two versions of the restated Rules. The first version includes the revision to the Legal Opinions section that was proposed at the August Committee of the Whole meeting. The second version does not make any changes to the Legal Opinions section. As a follow up to the Committee of the Whole meeting of August 10, 2020 the Mayor requested clarification on the Illinois Municipal League's position on individual City Council Members individually requesting Legal Opinions from the City Attorney. Brad Cole, Executive Director, indicated the following: *"That is left to each municipality based on their internal policies. We see it both ways, where an alderman can ask directly and where they have to first go through the mayor or manager because of costs incurred."*

Keep in mind that there are 1,299 incorporated municipalities in Illinois with various forms of government, many without city administrators and professional staff, some with in house city attorneys and most with outside council. The City of Washington has an agreement with Davis & Campbell to serve as the City Attorney and to represent the City on most of the City's legal issues. Davis & Campbell has advised that their representation is to the City Council as a whole and not individual Council Members. The City Administrator and City Attorney, Derek Schryer, believe the Legal Opinions section of the first version of the proposed restated Rules is consistent with the process for obtaining legal opinion since Davis & Campbell started representing the City in 2011.

If Council decides to maintain direct access for individual Council members to request legal opinions from the City Attorney (i.e. the second version of the restated Rules), the City Attorney has confirmed that any such opinion that is delivered outside a Council meeting will be in writing and sent to all members of the City Council, not just the Council member requesting the opinion.

The City Council should revise actions by Ordinance by adopting a new Ordinance. Although the Rules were adopted by Resolution in 1983, the 2017 amendment to the Rules was adopted by Ordinance. For the avoidance of doubt, the City Attorney has recommended that Council amend the Rules by Ordinance rather than Resolution.

Date Prepared: 08/14/2020

**Fiscal Impact:** City Attorney Fees

**Recommendation/Committee/Council Discussion Summary:** The City Council discussed the Rules of Procedure and an Amendment to Chapter 31 at the Committee of the Whole Meeting, June 8, 2020 but did not have a consensus on these items and requested further discussion at the July 13, 2020 Committee of the Whole. Additional discussion took place at the August 10, 2020 Committee of the Whole.

**Action Requested:** Consideration of an Ordinance adopting the Amended City Council Rules of Procedure (either the first or second version of the proposed restated Rules will be attached as Exhibit A to the Ordinance). Any motion to adopt the Ordinance should specify which version of the restated Rules should be attached as Exhibit A to the Ordinance.

**Attachment:** Ordinance Amending the City Council Rules of Procedure; Two versions of Exhibit A: Rules of Procedure. Council will need to specify which Exhibit A to attach to the Ordinance when a motion is made at the September 8 meeting for approval of the ordinance.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING THE CITY COUNCIL  
RULES OF PROCEDURE

**WHEREAS**, on May 16, 1983, the City Council of the City of Washington adopted the City Council Rules of Procedure (“**Rules of Procedure**”) to establish rules governing the conduct of City Council meetings;

**WHEREAS**, on November 20, 2017, the City Council of the City of Washington amended the Rules of Procedure Section 8 related to Public Comments at City Council Meetings by Ordinance No. 3260;

**WHEREAS**, On July 13, 2020 the City Council of the City of Washington amended the Rules of Procedure by adding Section 10. Remote Attendance by Council Members by Resolution No. 1305;

**WHEREAS**, the City Council desires to further amend and restate the Rules of Procedure to reflect changes in the Open Meetings Act; City of Washington Code Amendments which are included in the Rules of Procedure; and other sections related to the Order of Business and Agenda; Recording of Votes; and Legal Opinions;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, THAT:** The Rules of Procedure are hereby amended and restated as set forth in Exhibit A attached hereto.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

\_\_\_\_\_

NAYS: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor