



## CITY OF WASHINGTON, ILLINOIS

### City Council Agenda Communication

**Meeting Date:** December 19, 2022

**Prepared By:** Jim Snider, City Administrator

**Agenda Item:** First Reading Ordinances – City Code Chapters 31.56 and 31.58 Amendments and Rules of Procedure Sections 6.2 and 6.7 Amendments

**Explanation:** Following discussion at the October Committee of the Whole meeting, the City Council asked staff and the City Attorney for clarification on what constitutes an “abstention” and if Robert’s Rule of Order addresses a “pass” vote. Further discussion at the November Committee of the Whole meeting was held to gather consensus on moving forward with two amendment ordinances. Discussion at the December Committee of the Whole meeting continued on a possible amendment to Chapter 31.58 and the Rules of Procedure (ROP) Section 6.7 and a new item regarding a potential amendment to Chapter 31.56 and ROP Section 6.2.

The direction offered at the December Committee of the Whole meeting pertaining to Chapter 31.58 was to allow for an abstention. An alderperson who abstains for a legitimate actual or potential conflict of interest would not be considered to be present for the purpose of determining the result of the vote. An alderperson who abstains from voting without either stating a reason for the abstention or by not providing a legitimate actual or potential conflict of interest would be considered present for the purpose of determining the result of the vote. The Presiding Officer would have the authority whether the stated abstention is for a legitimate actual or potential conflict of interest.

If the proposed revisions to Chapter 31.58 of the City Code are passed, here is an illustration of the abstention process:

#### No Abstentions

A City Council meeting is held with all eight (8) members present. In order to pass an ordinance, resolution or motion, a majority of the members present (five (5) members in this example) must vote “yes” to approve the matter up for consideration.

#### Valid Abstention Due to Conflict - Member Deemed Not Present For Purposes of Vote

If a Council member states an abstention due to a legitimate actual or potential conflict of interest, that member will not be considered “present” for determining the result of the vote. Accordingly, the record will show only seven members of the Council are voting on the matter. In this scenario, four (4) members of the Council (a majority of the seven (7) members considered present) need to vote “yes” to approve the matter up for consideration.

#### No Reason Stated for Abstention/No Legitimate Conflict - Member Deemed Still Present For Purposes of Vote

However, if a Council member fails to state the reason for the abstention, or abstains for a reason other than a legitimate actual or potential conflict of interest, the abstaining member will still be considered present for the vote. In this scenario, all eight (8) members of the Council are considered present for the vote, and five (5) members of the Council are still needed to vote “yes” to approve the matter up for consideration. The Mayor will have the authority to determine whether the reason for the abstention is for a legitimate actual or potential conflict of interest.

The proposed amendment to Chapter 31.56 and ROP Section 6.2 would allow at least two-thirds (2/3) of the City Council that is present at any such meeting, when a quorum is present, to waive a second ordinance reading.

**Fiscal Impact:** N/A

**Action Requested:** Approval of an ordinance to amend City Code Chapters 31.56 and 31.58 and an ordinance to amend ROP Sections 6.2 and 6.7. First readings on the two ordinances are scheduled for the December 19 City Council meeting with second readings to be scheduled for the January 3, 2023, meeting.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ORDINANCE PASSAGE PROCEDURE AND THE  
VOTING APPROVAL STANDARD IN THE MUNICIPAL CODE OF  
THE CITY OF WASHINGTON**

**WHEREAS**, the City of Washington is a home-rule municipality in accordance with the Constitution of the State of Illinois of 1970;

**WHEREAS**, Section 31.56 of the Municipal Code of the City of Washington (the “Code”) provides, as follows: “No ordinance can be passed unless it is read at least two (2) meetings of the City Council unless the Council unanimously votes to waive this requirement at a meeting at which a quorum of the Council is present. It is not necessary to read the full text of an ordinance if copies are made available to the press and public prior to the reading of the ordinance; in such situations, the formal reading of the title only is sufficient.” (Section 31.56 is referred to hereinafter as the “Ordinance Passage Procedure”); and

**WHEREAS**, Section 31.58 of the Code provides, in part, as follows: “The passage of all ordinances for whatever purpose, and of any resolution or motion to create any liability against a city or for the expenditure or appropriation of its money, shall require the concurrence of a majority of all Aldermen present at a duly convened meeting of the City Council where quorum was established, unless otherwise expressly provided by this code or any other act governing the passage of any ordinance, resolution, or motion.” (Section 31.58 in its entirety is hereinafter referred to as the “Voting Approval Standard”); and

**WHEREAS**, the City Council of the City of Washington has determined that, in accordance with its home-rule authority, it is in the best interests of the City to amend the Ordinance Passage Procedure; and

**WHEREAS**, the City Council of the City of Washington has also determined that, in accordance with its home-rule authority, it is in the best interests of the City to amend the Voting Approval Standard.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Washington, Illinois as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That Chapter 31 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is amended by revising Section 31.56 to provide as follows:

**“§ 31.56 PROCEDURE FOR PASSAGE OF ORDINANCES**

No ordinance can be passed unless it is read at least two (2) meetings of the City Council, unless at least two-thirds (2/3) of the City Council that is present at any such meeting, when a quorum is present, votes to waive this requirement. It is not necessary to read the full text of an ordinance if copies are made available to the press and public prior to the reading of the ordinance; in such situations, the formal reading of the title only is sufficient.”

Section 3: That Chapter 31 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is amended by revising Section 31.58 to provide as follows:

“§ 31.58 VOTE REQUIRED; YEAS AND NAYS; ABSTENTIONS

Except as otherwise required in this City Code or by the laws of the State of Illinois, the passage of all ordinances, resolutions, or motions shall require the concurrence of a majority of the City Council present at a duly convened meeting of the City Council where a quorum was established. The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the City Council.

A member of the City Council may abstain from voting on an ordinance, resolution, or motion. A member of the City Council who abstains from voting for a legitimate actual or potential conflict of interest will not be considered present for the purpose of determining the result of the vote. A member of the City Council who abstains from voting will be considered present for the purpose of determining the result of the vote if the member: (1) fails to state a reason for the abstention, or (2) abstains for a reason other than a legitimate actual or potential conflict of interest. The Presiding Officer shall have the authority to determine whether the stated abstention is for a legitimate actual or potential conflict of interest.

This Section 31.58 represents an intentional deviation from the procedure outlined in Robert’s Rules of Order otherwise codified in Section 31.07.”

Section 4: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section 5: If any provision of this ordinance is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section 6: This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

AYES: \_\_\_\_\_

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK