

Wilmington, Delaware
~~February 6, 2020~~
February 20, 2020

#4771

Sponsor:

**Council
Member
Adams**

Co-Sponsors:

**Council
President
Shabazz**

**Council
Members
Oliver
Walsh
Johnson
Freel**

WHEREAS, to give members of the public more opportunity to attend and participate in public meetings, City Council would like to add the public comment period to the order of business at regular Council meetings, extend the sign-up deadline for the public comment period from 5:45 p.m. to 6:25 p.m., provide each member of the public up to three minutes to speak in the public comment period, and place no limit on the number of speakers allowed to speak during the public comment period and the overall time period for public comment; and

WHEREAS, City Council would like to afford all Council Members until 6:30 p.m. to arrive at and participate in regular Council meetings and hear public comment; and

WHEREAS, City Council previously amended its Rules to provide for: (1) a second round of public comment after the close of debate on each legislative item at regular Council meetings and (2) a second round of debate by Council Members after the second round of public comment; and

WHEREAS, the second rounds of public comment and debate may be duplicative and can lead to excessively long and inefficient regular Council meetings; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to amend City Council Rules 2 and 3 to: (1) add public comment to the order of business at regular meetings of City Council; (2) move the start time of the public comment period from the 6:00 p.m. Committee of the Whole meetings to immediately prior to legislative business at regular Council meetings; (3) change the sign-up deadline for members of the public who would like to speak during the public comment period from 5:45 p.m. to 6:25 p.m.; (4) allow any person who has signed up with the City Clerk by 6:25 p.m. to speak for up to three

minutes during the public comment period; (5) provide for no limit on the number of speakers allowed to speak during the public comment period; (6) eliminate the duplicative public comment period after the close of debate on each legislative item; and (7) eliminate the duplicative second round of debate by Council Members.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Rule 2 of the City Council Rules is hereby amended by deleting the stricken language and adding the underlined language to read as follows:

RULE 2 - ORDER OF BUSINESS

The order of business at ~~official~~ regular meetings of the City Council shall be as follows:

A) Convening of the City Council.

B) Prayer.

C) Pledge of Allegiance to the Flag.

D) Roll Call: At the scheduled time for the meeting and before the Council proceeds to the consideration of any business, the Clerk shall call the name of each Council Member in the order of the district each represents beginning with the First Council District and ending with the at-large Councilmembers in alphabetical order.

E) Reading of the Minutes of the Previous Meeting: The minutes of the previous meeting shall be read and include a statement as to members that were present, absent with leave and absent without leave by the Clerk and adopted and approved or corrected on motion by the President Pro Tempore or in the President Pro Tempore's absence, the Chairman of the Finance Committee. In the absence of such motion, the minutes shall be deemed approved.

F) Committee Reports: Reports from standing committees shall be signed by a majority of committee members, read by the Clerk, and filed, on motion and voice vote. The reading of the minutes shall include a statement as to committee members that were present, absent with leave and absent without leave. Non committee members present need not be mentioned.

G) City Treasurer's Report.

H) Non-Legislative Business: Unless a separate vote is requested by the sponsor of any resolution, all items of non-legislative effect shall be adopted by a single motion to receive and adopt by voice vote the agenda measures listed under Non-Legislative Business. While the motion is pending, a Council Member may speak to any measure under the agenda heading "Non-Legislative Business" for which separate consideration has not been requested by the sponsor. Unless otherwise authorized by the President, there shall be a limit of five (5) non-legislative resolutions that may be presented at each Council Meeting, which shall be done on a first come, first served basis by request to the Legislative & Policy Director.

I) Public Comment.

I J) Legislative Business: This portion of the meeting shall be for the consideration of resolutions with legislative effect and ordinances only.

Each member is entitled to speak twice to any matter subject to debate for periods not to exceed five minutes each time, including any time yielded to other members. No member shall exceed these limits except by leave granted by a two-thirds vote of the members present, without debate. No member shall speak twice to a matter until every other member choosing to speak has been recognized. The member on whose motion the matter was brought before Council is first entitled to the floor, and also to close the debate, but not until every other member has had an opportunity to speak for a second time.

~~After the close of debate on an item of legislative business, but before a vote is started, there shall be an opportunity for public comment in three minute increments.~~

~~After the close of public comment each member is entitled to speak twice to any matter subject to debate for periods not to exceed five minutes each time, including any time yielded to other members. No member shall exceed these limits except by leave granted by a two-thirds vote of the members present, without debate. No member shall speak twice to a matter until every other member choosing to speak has been recognized. The member on whose motion the matter was brought before Council is first entitled to the floor, and also to close the debate, but not until every other member has had an opportunity to speak for a second time.~~

J K) Presentation of Petitions and Communications: Any petition or communication, written or oral, from Council Members, the Mayor, city departments, or from the public, or any communication or comment relating to city business, other than a matter on the agenda for action, is presented at this time. Each member shall be limited to five minutes for presentation of petitions and communications, to include any time yielded to other members. Any

debatable motion made shall not be subject to this limit, but instead to the debate limits in Paragraph ~~F~~ J), Legislative Business.

~~K~~ L) Public Hearings (if needed).

~~L~~ M) Adjournment.

The above order of business may be changed at any time by the Council President, or on motion duly seconded and passed by a majority of Council.

Pursuant to FOIA, an agenda as determined by the President shall be prepared for each meeting in a sufficient number of copies, for distribution to members of the public. Council Members and the administration shall be provided an agenda in an electronic format. The agenda shall list all legislative and non-legislative matters proposed by their sponsors for consideration at the meeting, and once copies of the agenda have been reproduced, a sponsoring member of Council may not remove a matter from the agenda, although the sponsor may hold it for consideration at a subsequent meeting, subject to the provisions of Rules 8 and 9.

BE IT FURTHER RESOLVED that Rule 3 of the City Council Rules is hereby amended by deleting the stricken language and adding the underlined language to read as follows:

RULE 3 - CONVENING OF CITY COUNCIL

~~Thirty minutes before the time appointed for each regular meeting of Council (6:00 p.m. to 6:30 p.m.), the President may convene the Committee of the Whole to meet in open public forum in Council Chambers, at which time comments not to exceed three (3) minutes in length by each person may be heard from members of the public. This constitutes the convening of the whole for (Date). Thereafter, the President shall call the first person to offer comments. This thirty minute public comment period shall be televised in its entirety. Prior to the start of legislative business at each regular meeting of City Council, a public comment period shall occur during which members of the public may make comments not to exceed three (3) minutes in length by each person. There shall be no limit on the number of speakers allowed to speak during the public comment period.~~ The President shall establish and enforce rules for speakers to ensure proper decorum is maintained including, but not limited to, enforcing the three-minute time-limit for each speaker and/or

prohibiting the use of obscene or profane language. Any person desiring to exercise this privilege shall register with the City Clerk no later than ~~5:45~~ 6:25 p.m. prior to the convening of the ~~Committee of the Whole~~ City Council meeting, and the person's signature on the City Clerk's register will acknowledge agreement to observe the time limit and the prohibition of obscene or profane language.

At the scheduled time for the meeting, the President of City Council shall call the City Council to order.

When Council convenes, each Council Member shall be in the seat assigned to that Member.

No Council Member shall be absent from the service of City Council without leave.

The attendance of at least seven (7) Council Members is required to establish quorum for official meetings of City Council.

When a quorum is not present on the initial roll call, Council shall consider only the following motions: to fix a time to which to adjourn; to adjourn; to recess; to secure attendance of absent members; or to proceed as if in Committee of the Whole for the purpose of considering informally and reporting to the Council upon any matter on the agenda.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution amends City Council Rules 2 and 3 to provide for the following: (1) public comment will be part of the order of business at regular meetings of City Council; (2) the public comment period, which had occurred from 6:00 p.m. to 6:30 p.m. before regular Council meetings, will now take place immediately prior to legislative business at regular Council meetings; (3) the sign-up deadline for members of the public who would like to speak during the public comment period will be changed from 5:45 p.m. to 6:25 p.m.; (4) any person who has signed up with the City Clerk by 6:25 p.m. will be allowed to speak for up to three minutes during the public comment period; (5) there will be no limit on the number of speakers allowed to speak during public comment period; (6) the duplicative public comment

period after the close of debate on each legislative item at regular City Council meetings is eliminated; and (7) the duplicative second round of debate by Council Members at regular City Council meetings is eliminated. In addition, as housekeeping matters, certain sections of Rule 2 are relettered and the word “official” in the first sentence of Rule 2 is replaced with the word “regular”.

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