

Wilmington, Delaware
February 18, 2021

#0019

WHEREAS, the 108th Session of Wilmington City Council believes openness,

Sponsor:

transparency, and accountability are important policies; and

**Council
Member
Gray**

WHEREAS, City Council believes the public should have the opportunity to comment on all legislation with legislative effect during the legislative business portion of City Council meetings; and

WHEREAS, during the 107th Session of Wilmington City Council, the President of City Council sometimes called for votes prior to members of City Council having an opportunity to debate in accordance with the Council Rules, so Council amended the Rules to provide for an extra round of debate for Council members after a public comment period; and

WHEREAS, the 108th Session of Wilmington City Council deems it necessary to take similar action to ensure that all Council members are consistently and completely afforded the time allotted by the Council Rules to participate in meaningful debate; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to amend City Council Rule 2 to provide public comment periods during which members of the public will have an opportunity to address each legislative item on the agenda that has a legislative affect. These additional periods of public comment shall take place after members of City Council conclude their initial round of debate regarding legislation with legislative effect, during which the public will be allowed to comment in increments of five (5) minutes. Each public comment period occurring during the Legislative Business portion of the agenda shall be followed by a second round of debate by members of City Council during which each Council member will be entitled to speak twice on the matter subject to debate for a period of three (3) minutes prior to voting on the legislative item; and

WHEREAS, in addition, Council deems it necessary and appropriate to amend City Council Rule 2 to eliminate the current restriction on public comment that allows only City of Wilmington residents or taxpayers to provide public comment.

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 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's 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 Clerk of Council.

I) Public Comment: ~~Public comment shall be available only to City of Wilmington residents or taxpayers.~~ The President may place additional reasonable limitations on public comment to permit Council to conduct its meetings and to maintain order, including limiting repetitious comments. Each member of the public is limited to a total of three (3) minutes of public comment during this portion of a Council ~~per~~ meeting.

J) Legislative Business: This portion of the meeting shall begin no later than 7:30 p.m., unless leave is granted by a two-thirds vote of the members present to grant additional time for public comment. The Legislative Business portion of the meeting shall be for the consideration of resolutions with legislative effect and ordinances only. Each Council member is entitled to speak twice prior to the public comment period to any matter subject to debate for periods not to exceed ten (10) minutes total, 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 the initial round of debate on each item of legislative business, but before a vote is started, there shall be an opportunity for public comment in increments of five (5) minutes. Each member of the public is limited to (5) minutes of public comment during this portion of a Council meeting.

After the close of each public comment public comment period on items of legislative business, each Council member is entitled to speak twice to any matter subject to debate for periods not to exceed three (3) 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 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.

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 (5) 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 J), Legislative Business.

L) Public Hearings (if needed).

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 City Council.

Pursuant to FOIA, an agenda as determined by the Clerk of Council shall be prepared for each meeting in a sufficient number of copies for distribution to members of the public. The Clerk of Council shall include on the agenda every piece of legislation requested by the legislation's sponsor provided at least fourteen (14) days' notice is given by the sponsor and may include emergency and other legislation upon less notice. Once an ordinance is voted out of Committee, it must be placed on the next Council agenda as permitted by FOIA unless the sponsor requests it to be held to a later meeting in which case the sponsor must provide fourteen (14) days' notice for it to be added to a subsequent agenda. Council Members and the administration shall be provided an agenda in 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.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution amends City Council Rule 2 to add the following to the Legislative Business Section of City Council meetings: (1) a public comment period after the close of the initial round of debate by members of City Council during which members of the public will be allowed to comment in increments of five (5) minutes on each legislative item that will be voted on by City Council and (2) a second round of debate by Council members during which each Council member will be entitled to speak twice on the matter subject to debate for a period of three (3) minutes each time. This Resolution also amends City Council Rule 2 to eliminate the current restriction on the public comment that allows only City of Wilmington residents or taxpayers to provide public comment.