

Wilmington, Delaware  
February 18, 2021

**#0028**

**Sponsor:**

**Council  
President  
Congo**

**WHEREAS**, the 108th Session of Wilmington City Council has taken action, through the adoption of City Council Rule 2, to ensure that every legislative item requested by the legislation's sponsor in accordance with the notice requirement contained in Rule 2 is included on Council meeting agendas; and

**WHEREAS**, City Council Rule 2 currently provides, in relevant part, that: (1) Council meeting agendas shall be determined by the Clerk of Council and (2) the Clerk of Council shall include on the agendas every piece of legislation requested by the legislation's sponsor provided at least fourteen (14) days' notice was given by the sponsor; and

**WHEREAS**, while Council maintains the belief that a person other than the Council President should have the responsibility of determining Council meeting agendas in order to ensure that all legislation requested to be placed on Council agendas in accordance with the notice requirements set forth in Rule 2 is placed on such agendas, Council deems it appropriate to assign this duty to the Chief of Staff of City Council, rather than the Clerk of Council; and

**WHEREAS**, City Council would like to clarify the calculation of the fourteen (14) days' notice requirement; and

**WHEREAS**, City Council deems it necessary and appropriate to amend City Council Rule 2 to provide that: (1) Council meeting agendas shall be determined by the Chief of Staff of City Council and (2) sponsors of legislation must provide at least fourteen (14) business days' notice prior to a Council meeting in order for a legislative item to be placed on the Council meeting agenda.

**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 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 member is entitled to speak twice 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.

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~~ Chief of Staff of City Council shall be prepared for each meeting in a sufficient number of copies for distribution to members of the public. The ~~Clerk of Council~~ Chief of Staff shall include on the agenda every piece of legislation requested by the legislation's sponsor provided at least fourteen (14) business days' notice prior to the Council meeting 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) business days' notice prior to the Council meeting 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 grant the authority, previously held by the City Clerk, to the Chief of Staff of City Council to determine the agendas for City Council meetings. It also amends Rule 2 to provide that the notice requirement for legislation to be included on a Council meeting agenda is fourteen (14) business days prior to the Council meeting. It is the express intent of Council, as set forth in Rule 2, that the Chief of Staff shall include on the Council meeting agenda every piece of legislation requested by the legislation's sponsor at least fourteen (14) business' days prior to the Council meeting.

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