

Wilmington, Delaware
February 18, 2021

#0031

WHEREAS, on January 5, 2021, the 108th Session of Wilmington City Council

Sponsor:

adopted its Rules by Resolution 21-004; and

**Council
Member
N. Field**

WHEREAS, City Council seeks to amend Rules 2 and 3 regarding public comment in order to provide a meaningful opportunity for members of the public to make remarks regarding legislative items or other official City business while ensuring that the business of City Council is conducted in an orderly and efficient manner; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to amend City Council Rules 2 and 3 to: (1) provide an opportunity for members of the public to submit written comments pertaining to legislative business items on Council meeting agendas; (2) provide a thirty (30) minute public comment period prior to the convening of official City Council meetings; (3) provide each member of the public who wishes to provide public comment three (3) minutes to speak during the public comment period; (4) eliminate the current public comment period which occurs during the order of business at official meetings of City Council; (5) eliminate the current restriction on the public comment period that allows only City of Wilmington residents or taxpayers to provide public comment; (6) prohibit members of the public from the use of obscene, profane and/or threatening language, and speech and behavior which disrupts the conduct of the public comment period; (7) prohibit members of the public from addressing their remarks directly to Council members and/or the President or his designee; and (8) authorize the Deputy City Clerk to enforce the City Council rules pertaining to public comment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Rules 2 and 3 of the City Council Rules are 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) I) 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) J) 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) I)~~, Legislative Business.~~

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

~~M) L) 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.

RULE 3 – CONVENING OF CITY COUNCIL

Prior to the convening of City Council, members of the public shall be permitted to submit written comments pertaining to items of legislative business on the current Council meeting agenda. Each written comment pertaining to a matter of legislative business on the agenda that is received by the City Clerk by 4:00 p.m. on the day of the Council meeting will be forwarded to City Council or to the Council Member(s) to whom the comment is addressed prior to the start of the Council meeting. Comments received after 4:00 p.m. on the day of the Council meeting will be forwarded to City Council or to the Council Member(s) to whom the comment is addressed within twenty-four (24) hours. Written comments shall be emailed to the City Clerk at mseijo@wilmingtonde.gov. The subject line of the email must include the agenda number or otherwise specify the legislative matter(s) addressed.

Thirty minutes before the time appointed for each regular meeting of City Council (6:00 p.m. to 6:30 p.m.), the President or his designee shall commence the public comment period to hear comments from members of the public. Any member of the public who desires to participate in the public comment period must sign up via the mechanism listed on the respective City Council agenda no later than 5:55 p.m. prior to the convening of the public comment period. The President or his designee shall call upon each speaker to offer their comments in the order in which their names appear on the sign-up list. All speakers must adhere to the following rules for public comment which shall be enforced by the Deputy City Clerk:

- (1) No speaker shall be permitted to exceed three (3) minutes of public comment.
- (2) Comments must be germane to items on the present Council meeting agenda or otherwise related to official City business.
- (3) No speaker shall address any remark or question to any specific member of Council, nor shall any speaker be permitted to address the President or his designee.
- (4) Speakers are prohibited from the use of obscene, profane, and/or threatening language.
- (5) No speaker shall willfully engage in speech or behavior that is disruptive of the conduct of the public comment period.

The President may place additional reasonable limitations on public comment to permit the President or his designee to conduct the public comment period efficiently and to maintain order, including limiting repetitious comments.

At the scheduled time for the Council meeting, the President of City Council shall call the City Council to order, unless a Motion for Extension of Public Comment for 15 minutes is passed by a majority vote of Council.

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 a 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 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 Rule 2 to eliminate: (1) the current public comment period that occurs during the official order of business at City Council meetings and (2) the current restriction on the public comment period that allows only City of Wilmington residents or taxpayers to provide public comment. In the place of the current public comment period, this Resolution amends City Council Rule 3 to establish a thirty (30) minute public comment period prior to the convening of regular City Council meetings. In addition, this Resolution amends City Council Rule 3 to: (1) set forth the time by which members of the public must sign up to participate in the public comment period; (2) provide the opportunity for members of the public to submit written comments pertaining to legislative business items on Council meeting agendas prior to the respective Council meetings; (3) limit each member of the public to comments that do not exceed three (3) minutes in duration and are germane to legislation on the Council meeting agenda or official City business; (4) prohibit members of the public from engaging in obscene, profane, and/or threatening speech; (5) prohibit members of the public from addressing their remarks directly to Council members and/or the President or his designee; and (6) authorize the Deputy City Clerk to enforce the rules governing public comment.

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