

Request for public records in accordance with the Freedom of Information Act



City of Berwyn
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21-009

1 REQUESTOR	FULL NAME	April Alonso	ORGANIZATION	Cicero Independiente
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	<i>Be specific: Provide names, addresses, dates and any other information which will aid in responding to your request.</i>			
2 INFORMATION REQUESTED	Description of essential job duties/ or job description of City of Berwyn Mayor, Township Assessor, Township Clerk, Township Trustee, Township Supervisor, Treasurer and the Aldermen.			
	Is this request for commercial purposes? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Failure to disclose a request is for commercial purposes is against the law and violators may be prosecuted.			
3 DELIVERY	<input type="checkbox"/> I will inspect the documents in the Clerk's Office. <input checked="" type="checkbox"/> Deliver documents to me via: <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Email <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Call me for pick-up <input type="checkbox"/> I request certification of these documents. \$1.00 fee.			
	NOTE: The first 50 black & white, letter or legal size copies are free; additional pages are \$.15 each. Other sizes or color pages are charged at cost.			

Rec'd by/Date

Sandra Arce 1-6-21 **DUE DATE: 1-13-21**

BLDG WATER FINANCE COLLECTOR FIRE POLICE ADMIN CLERK IT PW LEGAL OTHER

REMARKS

REVIEWED BY

DATE

Approved

Denied

Sandra Arce 1-6-21

CHAPTER 220: MAYOR

Section

220.01 Election; general powers and duties; bond; release of prisoners

220.02 Designation as Liquor Control Commissioner; Deputy Commissioner

220.03 States of emergency; Mayor's powers

Cross-reference:

Employees generally, see Ch. 242

Mayor's approval or veto of ordinances, see §§ 212.07

§ 220.01 ELECTION; GENERAL POWERS AND DUTIES; BOND; RELEASE OF PRISONERS.

(A) The Mayor shall be elected and qualified and shall have the powers and perform the duties as provided by state statute and these Codified Ordinances or other ordinances of the city. Before the Mayor enters upon the duties of his or her office, he or she shall execute a bond to the city as prescribed by law.

(B) (1) The Mayor may release and discharge, at his or her discretion, a person imprisoned for the violation of a city ordinance.

(2) In every case in which the release is made by the Mayor, he or she shall cause a proper record thereof to be sent to Council, at its first session thereafter, accompanying the record with a statement setting out the reason for the release.

§ 220.02 DESIGNATION AS LIQUOR CONTROL COMMISSIONER; DEPUTY COMMISSIONER.

(A) The Mayor shall be the Local Liquor Control Commissioner of the city.

(B) The Mayor shall have the power to appoint a Deputy Local Liquor Commissioner to assist him or her in the exercise of the powers and the performance of the duties of the Local Liquor Control Commissioner.

(C) The Local Liquor Control Commissioner and the Deputy Local Liquor Control Commissioner shall receive compensation in an amount as shall be fixed by Council from time to time.

(Ord. 87-05, passed 1-13-1987)

§ 220.03 STATES OF EMERGENCY; MAYOR'S POWERS.

(A) Upon the determination by the Mayor that an emergency exists in the city, the determination to be made in the manner hereinafter set forth in this section, and upon the Mayor's signing, under oath, a statement finding that the standards or criteria set out in this section have been met, setting forth facts to substantiate the findings, describing the nature of the emergency and declaring that a state of emergency exists, the Mayor may exercise by executive order, only during the term of the emergency, the powers of the corporate authorities as may be reasonably necessary to respond to the emergency.

(B) The statement of emergency described in division (A) hereof shall be filed with the City Clerk as soon as possible after the state of emergency is declared.

(C) The state of emergency shall, except as otherwise provided in these Codified Ordinances, cease and expire upon the declaration of the Mayor, the actual end of the emergency, or the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared, whichever event first occurs.

(D) The Mayor shall not, by exercise of his or her emergency powers, postpone a regular or special meeting of Council.

(E) An emergency may be declared by the Mayor in the following cases:

(1) The President of the United States has declared the city or any significant portion thereof to be within a federally declared disaster area;

(2) The Governor of the state has declared the city or any significant portion thereof to be in a state disaster area;

(3) The Superintendent of police and two other police officers of command rank certify, under oath, to the Mayor, in writing, that conditions of riot, mob action, insurrection, lawlessness or lack of sufficient police personnel have occurred in the city which threaten the life, safety or security of the residents of the city or the safety of property in the city;

(4) The Fire Chief and two other Fire Department officers of command rank certify, under oath, to the Mayor, in writing, that conditions of wind, water, fire, storm, tornado or lack of sufficient Fire Department personnel have occurred in the city which threaten the life, safety or security of the residents of the city or the safety of property in the city;

(5) The Director of Public Works and two other city officers certify, under oath, to the Mayor, in writing, that unsafe conditions exist in the city that affect the property, streets, sidewalks, alleys and other public thoroughfares, including ice and snow control, in the city and endanger the safety, welfare or security of the residents of the city; and/or

(6) The Commissioner of the Berwyn Township Board of Health certifies, under oath, in writing, that an epidemic, conditions leading to epidemic or illness of epidemic proportions or other conditions exist in the city which, in the Commissioner's medical judgment are so serious as to be a clear and present danger to the health and welfare of the residents of the city.

(F) This section does not pertain to the control, collection and disposal of garbage and rubbish in the city.

(Ord. passed 1-17-1976)

CHAPTER 222: CITY CLERK

Section

- 222.01 Duties as Township Clerk
- 222.02 Bond
- 222.03 Duties generally
- 222.04 Disposition of records
- 222.05 Deputy City Clerk; bond
- 222.06 City Archivist
- 222.07 City Clerk/Deputy City Clerk(s) certification

Cross-reference:

Books and records of office, see § 242.10

Conflicts of interest, see § 242.07

Residency requirement, see § 242.09

Restriction of Clerk from other office, see § 242.02

§ 222.01 DUTIES AS TOWNSHIP CLERK.

The offices of City Clerk and Town Clerk of the Township of Berwyn are hereby united. All duties required by law to be performed by the Town Clerk shall be performed by the City Clerk.

§ 222.02 BOND.

The City Clerk shall, before entering upon the duties of his or her office, execute a bond to the city as prescribed by law.

Statutory reference:

Official Bond Act, see ILCS Ch. 5, Act 260, §§ 0.01 et seq.

§ 222.03 DUTIES GENERALLY.

- (A) (1) The City Clerk shall:
- (a) Issue notices of meetings of Council and prepare agendas thereof;
 - (b) Issue notices to the members of Council of all scheduled committee meetings and the cancellation of previously scheduled committee meetings;
 - (c) Issue notices to members of committees or other persons whose presence is required or requested before a committee when directed to do so by the Chairperson of the committee; and
 - (d) Issue other notices as and when directed to do so by Council.

(2) All notices required to be made by the Clerk under this division shall be in writing, if practical, and if time permits. If time is of the essence and written notice is impossible, notice by telephone is permitted. However, the notice should be memorialized by a subsequent written notice.

(B) The Clerk shall deliver to the officers of the city and the committees of Council all resolutions and communications referred to the officers or committees by Council.

(C) The Clerk shall have duly delivered to the Mayor all ordinances and resolutions in his or her charge which may be required to be approved or otherwise acted upon by the Mayor, together with all papers on which the same are founded.

(D) The Clerk shall keep the corporate seal of the city and all papers belonging to the city.

(E) The Clerk shall attend all meetings of Council and keep a full record of all its proceedings in the journal.

(F) The Clerk shall record in a book to be kept for that purpose all ordinances passed by Council and at the foot of the record of each ordinance so recorded make a memorandum of the dates of passage and of publication or posting of an ordinance.

(G) The Clerk shall make all required preparations for the holding of the city elections in accordance with the ordinances of the city and the statutes of the state.

(H) The Clerk shall receive all petitions, remonstrances, bids, bills or other communications addressed to Council or to the Mayor and Council and shall read them at the meeting of Council next succeeding his or her receipt of the communications, unless otherwise ordered by Council.

(I) The Clerk shall, within five days after any election is declared or appointment made, notify a person elected or appointed to a city office of his or her election or appointment, and execute with the Mayor and deliver commissions to each person elected to a city office as prescribed by law.

(J) The Clerk shall, within one month after they are passed, cause all ordinances imposing any fine, penalty, imprisonment or forfeiture or making any appropriation to be published in a newspaper as Council shall designate or, in the absence of a designation, a newspaper published in the city.

(K) The Clerk shall file, with the County Clerk, the annual tax levy ordinance, immediately after its passage.

(L) The Clerk shall perform other additional duties as now are or hereafter may be prescribed by the statutes of the state and ordinances of the city.

(M) The City Clerk shall be hereby designated to respond to requests under the Freedom of Information Act for the city. It shall be the duty of the City Clerk, and his or her office, to process and comply with all Freedom of Information requests pursuant to state law as set forth in ILCS Ch. 5, Act 140. Further, the City Clerk shall be responsible for setting the rules and regulations necessary to comply with state law, upon majority approval of Council.

(Ord. passed 7-10-1978; Ord. 07-58, passed 11-13-2007)

§ 222.04 DISPOSITION OF RECORDS.

All the books, records and other documents of the city under the control or jurisdiction of the City Clerk shall be kept by the Clerk in the municipal offices.

§ 222.05 DEPUTY CITY CLERK; BOND.

(A) There is hereby established the position of Deputy City Clerk. The City Clerk is hereby authorized to appoint two Deputy City Clerks who shall perform those duties prescribed by law to be

performed by the City Clerk when the Clerk is absent from the city and/or when delegated by the Clerk.

(B) The Deputy City Clerk, prior to assuming the duties of the office, shall execute a bond to the city as prescribed by law.

(Ord. 07-05, passed 2-13-2007)

Statutory reference:

Official Bond Act, see ILCS Ch. 5, Act 260, §§ 0.01 et seq.

§ 222.06 CITY ARCHIVIST.

(A) There is hereby established in and for the city the position of City Archivist. The City Archivist shall be appointed by the Mayor.

(B) The City Archivist shall be responsible for the collection, cataloging and preservation of archives and public records, such as minutes, correspondences, reports and other documents of legal or historical significance. The City Archivist shall serve as the city's liaison with the office of the Secretary of State in determining annually which documents shall be retained or destroyed by the city.

(Ord. 98-10, passed 4-14-1998)

§ 222.07 CITY CLERK/DEPUTY CITY CLERK(S) CERTIFICATION.

(A) In the event the City Clerk has received certification as a Certified Municipal Clerk (CMC) from the International Institute of Municipal Clerks (IIMC) through the education afforded by the Municipal Clerks of Illinois (MCI) as established by ILCS Ch. 65, Act 50, Municipal Clerks Training Act, the City Clerk shall receive \$2,000 per year education stipend, in addition to the salary set forth and established by resolution, effective as of the date of certification, so long as said certification remains in effect. The stipend shall be paid pro-rated from the date of certification and payable in equal bi-weekly installments for so long as the City Clerk shall serve in office, commencing and in effect May 14, 2013.

(B) In the event the Deputy City Clerk(s) has received certification as a Certified Municipal Clerk (CMC) from the International Institute of Municipal Clerks (IIMC) through the education afforded by the Municipal Clerks of Illinois (MCI) as established by ILCS Ch. 65, Act 50, Municipal Clerks Training Act, the Deputy City Clerk (s) shall receive \$2,000 per year education stipend, in addition to the salary set forth and established by the City Clerk in the Annual Budget and Appropriations Ordinance, effective as of the date of certification, so long as said certification remains in effect. The stipend shall be paid pro-rated from the date of certification and payable in equal bi-weekly installments for so long as the Deputy City Clerk shall be appointed to office.

(C) In the event the City Clerk has received certification as a Master Municipal Clerk (MMC) from the International Institute of Municipal Clerks (IIMC) through the education afforded by the Municipal Clerks of Illinois (MCI) as established by ILCS Ch. 65, Act 50, Municipal Clerks Training Act, the City Clerk shall receive an additional \$5,000 per year education stipend, in addition to the salary set forth and established by resolution, effective as of the date of certification, so long as said certification remains in effect. The stipend shall be paid pro-rated from the date of certification and payable in equal bi-weekly installments for so long as the City Clerk shall serve in office, commencing and in effect May 14, 2013.

(D) In the event the Deputy City Clerk(s) has received certification as a Master Municipal Clerk (MMC) from the International Institute of Municipal Clerks (IIMC) through the education afforded by the Municipal Clerks of Illinois (MCI) as established by ILCS Ch. 65, Act 50, Municipal Clerks Training Act, the Deputy City Clerk (s) shall receive \$5,000 per year education stipend, in addition to the salary set

forth and established by the City Clerk in the Annual Budget and Appropriations Ordinance, effective as of the date of certification, so long as said certification remains in effect. The stipend shall be paid pro-rated from the date of certification and payable in equal bi-weekly installments for so long as the Deputy City Clerk shall be appointed to office.

(E) The educational stipend shall not exceed \$5,000, per year, for the City Clerk and/or each Deputy City Clerk.

(Ord. 12-25, passed 11-13-2012)

§ 228.10 CITY TREASURER.

(A) *Bond.* The City Treasurer shall execute a bond to the city as prescribed by law.

(B) *Duties.*

(1) The Treasurer shall receive from the Director of Finance all monies belonging to the city and shall deposit daily all sums received by him or her as Treasurer during banking hours, and money as he or she may have received on the previous day after banking hours, in one of the banks which is at the time designated as a depository of city funds. The Treasurer shall, subject to specific directions from Council, distribute the city funds among the authorized depository banks in a manner that there shall, so far as is possible, be sufficient funds for the payment of current bills in the bank designated by the Director of Finance as the active bank through which the current bills of the city shall be paid and not more in any of depository banks than an amount equal to two-thirds of the amount of bond of the bank filed by the depository as required by law and as approved by Council. The Treasurer shall keep books of account showing all sums received, and for what account; all deposits in depository banks and all sums paid out from each of the accounts in the depository banks, and to whom payable and the fund against which the same is charged; and the date of each receipt and disbursement. The books of account are subject to inspection by the Director of Finance, the Mayor or any member of Council.

(2) Annually, between April 1 and April 10, the Treasurer shall make out and file with the City Clerk a full account of all receipts, expenditures and transactions during the preceding fiscal year showing the state of the treasury at the close of the fiscal year, which account the Clerk shall immediately cause to be published in a newspaper published in the city.

(3) The Treasurer shall make reports to the Director of Finance and furnish him or her with information as the Director of Finance may from time to time request and shall also make and furnish reports and information to Council upon its request.

(4) No withdrawals shall be made of any city funds or any money drawn except upon order or warrant, signed by any two of the following city officials/officers: the Mayor, the Treasurer, the City Clerk and the Director of Finance, which order or warrant shall indicate the depository bank at which the warrant shall be payable.

(5) The Treasurer shall keep all funds or monies belonging to Special Assessment or Special Tax Fund entirely separate and apart from, and in a separate account from, any corporate or other funds, and shall in no case issue or permit the issuance of any voucher, warrant or check against any account containing Special Assessment Funds, except for a purpose for which payment may be made lawfully from the fund. In no event shall any such account be used to pay any corporate expense.

(6) The Treasurer shall perform other and further duties as fixed by the statutes of the state or the ordinances of the city.

(Ord. passed 1-2-1980; Ord. 01-23, passed 9-25-2001)

§ 210.01 COMPOSITION.

Council shall consist of the Mayor and the Council members.

(Ord. 89-39, passed 9-12-1989)

§ 210.02 ELECTIONS; TERM.

One Council member shall be elected in each of the eight wards established in the city or as hereinafter reapportioned according to law. Council members shall be elected as members of Council at a regular municipal election, as provided by statute, providing for the election of Council members, and the election shall be held in accordance with all other existing city ordinances and state statutes. Council members shall be elected to a term of four years.

(Ord. 89-39, passed 9-12-1989)

§ 210.03 REGULAR MEETINGS.

Council shall meet in the Council Chambers on the second and fourth Tuesdays of each month at 8:00 p.m. Public notice of all meetings shall be given as prescribed by the Open Meetings Act, ILCS Ch. 5, Act 120, § 1.

(Ord. 89-39, passed 9-12-1989)

§ 210.04 SPECIAL MEETINGS.

Special meetings may be called by the Mayor or any three Council members upon written call filed with the City Clerk not less than three days prior to the date for which the meeting is called. Upon the filing of the call, the Clerk shall immediately deliver or mail a notice thereof to the Mayor and each Council member. Public notice of all meetings shall be given as prescribed by the Open Meetings Act, 5 ILCS Ch. 5, Act 120, § 1.

(Ord. 89-39, passed 9-12-1989)

§ 210.05 VOTES TO RECONSIDER AT SPECIAL MEETINGS.

No vote of Council shall be reconsidered or rescinded at a special meeting unless at least as many Council members are at the meeting as were present when the vote was taken.

(Ord. 89-39, passed 9-12-1989)

§ 210.06 CONDUCT OF MEETINGS.

Council shall sit with open doors. A small number of the Council members may adjourn from time to time and may compel the attendance of absentees.

(Ord. 89-39, passed 9-12-1989)

§ 210.07 PROCEDURES FOR RECORDING OF CLOSED SESSIONS.

(A) *Recording closed sessions.* The city shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the city or any subsidiary "public body" as defined by the State Open Meetings Act, ILCS Ch. 5, Act 120, § 1. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities.

(B) *Responsibility for recording closed sessions and maintaining recordings.* The City Clerk or his or her designee shall be responsible for arranging for the recording of closed or executive sessions. In the absence of the City Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the City Council. Each subsidiary public body of the city shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the City Clerk with a copy of the recording. The City Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the city and all subsidiary public bodies of the city.

(C) *Closed session minutes.* In addition to the recordings of the closed and executive session as addressed in this section, the city will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, ILCS Ch. 5, Act 120, § 1.

(D) *Procedure for recording.* At the beginning of each closed session, those present shall identify themselves by voice for the audio recordings. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

(E) *Back-up equipment/procedure for equipment malfunction.* The city will maintain sufficient tapes, batteries and equipment for the city to comply with this section. The City Clerk or his or her designee will periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct the malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until a time as the closed session may proceed with a functioning recording device.

(F) *Procedure for review of closed session minutes and recordings.* At one meeting at least every six months, the agenda shall include the item: "Review of the minutes and recordings of all closed sessions that have not yet been released for public review and determination of which minutes, if any, may be released." Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the city find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the "need for confidentiality still exists" as to those minutes. Minutes of closed sessions shall be kept indefinitely. Recordings shall be reviewed in a manner appropriate to the purpose for which they were intended.

(G) *Maintenance and public release of recordings and access to tapes.* The audio or video tape recordings of closed sessions shall be maintained for 18 months after the closed session and shall not be released to the public unless the release is required by a court order or specifically authorized for release by a vote of the City Council. Members of the corporate authorities may listen to the closed session recordings in the presence of the City Clerk or his or her designee. Copies of the tapes will not be made or provided to anyone unless specifically authorized by vote of the City Council.

(H) *Procedure for destruction of recordings.* The City Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

- (1) The corporate authorities of the city have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
- (2) More than 18 months have elapsed since the date of the closed session;
- (3) There is no court order requiring the preservation of the recording; and
- (4) The corporate authorities of the city have not passed a motion requiring the preservation of the verbatim recording of that meeting.

(Ord. 06-01, passed 1-10-2006)

§ 210.08 VOTING.

(A) Any matter requiring a roll call vote at a regular meeting of the City Council may be voted on by an absent Council member via a conference telephone call between the absent Council member and the rest of the Council present at the regular meeting under the following conditions:

(1) The absent Council member cannot be physically present at the regular meeting at which the matter is put to vote due to circumstances beyond the Council member's control. A vacation is not under any circumstances to be considered beyond an Council member's control.

(2) The absent Council member is at least 150 miles from the city's municipal office at the scheduled time of the regular meeting.

(3) The absent Council member's voice on the conference telephone call, after being identified by the rest of the Council as belonging to the absent Council member, shall be simultaneously broadcast to the public present at the regular meeting and open to the media, and the absent Council member shall also be able to hear any public comment regarding the issue(s) elicited at the meeting, if any, before the vote is taken.

(4) Before voting, the absent Council member shall publicly state the reason for not being present at the regular meeting to vote in person.

(B) The yeas and nays of the Council members shall be taken upon the passage of all ordinances and all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member of Council. The vote shall be entered on the journal of Council proceedings, and a majority vote of all Council members is necessary to pass any proposition. However, a proposition to sell school property shall require a vote of three-fourths of the Council members. The Mayor may vote to break a tie, upon the passage of all ordinances and all propositions to create any liability against the city or for the expenditure or appropriation of its money.

(Ord. 89-39, passed 9-12-1989; Ord. 99-21, passed 5-25-1999)

§ 210.09 RULES OF COUNCIL.

(A) *Rule 1. Quorum; order of business; agendas.*

(1) Each meeting of Council shall convene at the time appointed for the meeting as provided by this chapter. In the absence of the Mayor, the Council members present shall elect one of their number, by majority vote, to chair the meeting. The City Clerk, or someone appointed to fill his or her place, shall thereupon immediately call the roll of members. If no quorum is present, Council shall not thereby stand adjourned, but the members present shall be competent to adjourn by a majority vote.

(2) A quorum for the transaction of business shall consist of a majority of all the Council members entitled by law to be elected. When a quorum is present, Council shall proceed to the business before it, which shall be conducted in the following order:

- (a) Pledge of Allegiance and moment of silence;
- (b) Open forum;
- (c) Presentation of previous meeting's minutes for approval;
- (d) Bid openings-tabulations;
- (e) Berwyn Development Corporation – Berwyn Township/Health District;
- (f) Reports and communications from the Mayor;
- (g) Reports and communications from City Clerk;

(h) Communications from (Zoning) Board of Appeals;

(i) Reports and communications from Council members, committees, other boards and commissions;

(j) Staff reports; and

(k) Consent agenda.

(3) During the open forum, the Chair, for not longer than 15 minutes, shall recognize and allow members of the public to express their opinions, to address Council or to petition the members orally in connection with subjects and matters not appearing on the meeting agenda. A speaker so recognized by the Chair shall give his or her name and address; be orderly and polite; not use profanity or scurrilous language; not use the privilege to make a personal attack upon Council or any of its members or other officers of the city; and otherwise conduct himself or herself in a decent and proper manner.

(4) All communications to Council at a regularly scheduled meeting shall be submitted in writing to the Clerk on or before 10:00 a.m. on the Friday immediately preceding the regular Tuesday night Council meeting. The Clerk shall then prepare a typewritten agenda of all communications to be presented for consideration and discussion at the following regularly scheduled Tuesday night Council meeting, and copies of all communications appearing on the agenda shall be attached thereto.

(5) The agenda shall be made available to all Council members not later than 12:00 p.m. on the Saturday immediately preceding the regularly scheduled Tuesday night Council meeting, and a copy of the agenda shall be posted for public examination and inspection in the Municipal Building.

(6) Emergency communications from the Mayor will be added to the agenda at any time as the Mayor deems necessary.

(B) *Rule 2. Questions concerning priority of business.* All questions relating to the priority of business shall be decided by the Chair, without debate, subject to appeal.

(C) *Rule 3. Duties and privileges of Chair.*

(1) The Chair shall preserve order and decorum and may speak on points of order in preference to other members, and shall decide all questions of order, subject to an appeal to Council, on which appeal no member shall speak more than once without the unanimous consent of Council.

(2) If the Chair refuses to allow the Council members to exercise their right to appeal a decision of the Chair, the Council members may consider and pass upon the matter in spite of the failure of the Chair to grant them an appeal.

(D) *Rule 4. Members leaving room while Council in session.* While the Chair is putting the question, no member shall walk across or out of the Council Chambers.

(E) *Rule 5. Recognition of members.* Before a member speaks, makes a motion or seconds the same, he or she shall address himself or herself to the Chair, but shall not proceed with his or her remarks until recognized and named by the Chair.

(F) *Rule 6. Chair to decide order of speakers.* When two or more members address the Chair to be recognized, the Chair shall name the member who is first to speak.

(G) *Rule 7. Visitors at meetings.* When Council is in session, no one shall be admitted within the bar of the Council Chambers, except members of Council, elected city officials, heads of departments, former City Council members and representatives of the press. However, a visitor may address Council on any matter upon being recognized by the Chair, or upon motion duly made and seconded by members of Council and approved by a majority vote. A visitor so addressing Council shall be subject to all rules of Council and shall confine his or her remarks to the matter under discussion,

making them as brief and concise as possible. No visitor shall solicit a Council member to vote for or against any proposition.

(H) *Rule 8. Communication by members.* When a member wishes to present a communication, petition, order, resolution or other original matter, he or she shall send it to the desk of the Clerk or the person that Council may from time to time appoint for that purpose, who shall read the matter when reached in its proper order.

(I) *Rule 9. Maintaining order at meetings.* In the case of a disturbance or disorderly conduct, the Chair may require the Council Chambers to be cleared, if necessary.

(J) *Rule 10. Limitation on debate.* No member, without leave of Council, shall speak more than once upon the same subject, until every member who wishes to speak has spoken. No member shall speak longer than ten minutes at any one time, except by consent of Council.

(K) *Rule 11. Appeal by member when called to order.* A member, when called to order by the Chair, shall thereupon take his or her seat unless permitted by the Chair to explain. If there is no appeal, the decision of the Chair shall be conclusive, but if the member appeals from the decision of the Chair, the appeal shall be decided by Council.

(L) *Rule 12. Conduct of members during debate.* While a member is speaking, no member shall hold any private discourse or pass between the speaker and the Chair.

(M) *Rule 13. Requirement to vote unless excused.* Every member present when a question is stated from the Chair shall vote thereon by casting a yea or nay, unless excused by Council, or unless he or she is personally interested in the question, in which case he or she shall not vote.

(N) *Rule 14. Sergeant-at-arms.* The Mayor shall appoint a sergeant-at-arms and assistants as may be necessary to preserve order at a Council meeting.

(O) *Rule 15. Failure to attend meetings.* If a member of Council fails to attend four consecutive regular meetings, Council may, by resolution, remove the member from his or her office as Council member and declare a vacancy in the office, to be filled as required by law.

(P) *Rule 16. Special orders.* Any matter before Council may be set down as a special order of business for a certain time, if two-thirds of the Council members present vote in the affirmative.

(Q) *Rule 17. Motions not debatable unless seconded.* No motion shall be put or debated in Council or in a committee, unless it is seconded.

(R) *Rule 18. Reports to Council members prior to meeting.* All reports from city departments, staff, boards and commissions, presented to Council for the first time shall be in writing and submitted to each Council member in the same fashion as required by Rule 1 herein.

(S) *Rule 19. Withdrawal of motions.* After a motion or resolution is stated by the Chair, it shall be deemed to be in possession of Council, but it may be withdrawn at any time before decision thereon or amendment thereof by consent of Council.

(T) *Rule 20. Taking and entering of votes.* If a member requires it, the yeas and nays upon a question shall be taken and entered on the journal, but the yeas and nays shall not be taken unless called for previous to any vote on the question.

(U) *Rule 21. Announcement and change of votes.* The result of all votes by yeas and nays shall not be announced by the Clerk, and the ruling on the measure shall be announced by the Chair. No vote shall be changed after the announcement of the decision by the Chair.

(V) *Rule 22. Precedence of motions.*

(1) When a question is under debate, the only motions in order shall be:

- (a) To adjourn to a day certain;
- (b) To adjourn;
- (c) To take a recess;
- (d) To lay on the table;
- (e) The previous questions;
- (f) To refer;
- (g) To amend;
- (h) To substitute;
- (i) To postpone to a time certain; or
- (j) To postpone indefinitely.

(2) The motions shall take precedence over each other in the order stated, and the motions lettered divisions (V)(1)(b), (d) and (e) shall be decided without debate.

(W) *Rule 23. Adjournment.* A motion to adjourn Council will always be in order except:

- (1) When a member is in possession of the floor;
- (2) While the yeas and nays are being called;
- (3) When the members are voting;
- (4) When adjournment was the last preceding motion; or
- (5) When it has been decided that the previous question shall be taken.

(X) *Rule 24. Motions to adjourn.* A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be so subject.

(Y) *Rule 25. To adjourn over one or more regular meetings.* Council may at any time adjourn over one or more regular meetings by a vote of a majority of all the Council members authorized by law to be elected.

(Z) *Rule 26. Standing committees.* The standing committees shall be as set forth in § 210.14.

(AA) *Rule 27. Duties of standing committees.* The duties and jurisdiction of the respective standing committees shall be as set forth in § 210.15.

(BB) *Rule 28. Action at meeting when subject introduced.* All ordinances, petitions, resolutions, orders and communications to Council may be referred to appropriate committees by majority vote of the Council or by order of the Chair, without objecting to them to be acted upon on the report of the committee having the same in charge. Matters not referred to committee shall be acted upon presentation unless deferred for action at the subsequent meeting. Matters may be deferred by order of the Chair or at the request of a Council member if there is no objection. If an objection is raised, the deferred matter shall be brought to a vote, and a two-thirds vote of the Council shall sustain the objection.

(CC) *Rule 29. Application of Robert's Rules of Order.* The rules of parliamentary practice comprised in the latest published edition of *Robert's Rules of Order* shall govern Council in all cases to which rules are applicable and in which they are not inconsistent with this section.

(DD) *Rule 30. Temporary suspension of rules.* The rules of Council set forth in this section may be temporarily suspended by a vote of two-thirds of all the Council members entitled by law to be elected

and shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the Council members entitled by law to be elected.

(Ord. 89-39, passed 9-12-1989; Ord. 96-42, passed 10-22-1996; Ord. 06-24, passed 5-23-2006)

§ 210.10 REPORTS OF COMMITTEES.

Reports of committees of Council shall be in writing. Any report of a committee shall be acted upon in the same manner as prescribed for all other communications herein.

(Ord. 89-39, passed 9-12-1989)

§ 210.11 GENERAL DUTIES OF COMMITTEES.

A committee of Council shall be informed on the subject matter assigned to it and report to Council from time to time, and shall investigate any special matter referred to it by Council and report to Council thereon. Unless authorized by Council, no committee or member thereof shall issue a permit or license, enter into a contract or buy or sell anything for or on behalf of the city, perform any other executive or administrative duty or act or perform an act within the jurisdiction of Council as a body. However, the member shall investigate, deliberate and report to Council with the recommendations as deemed best. All committees shall operate in conformity with the rules of the Council, as stated herein, and in compliance with all state and federal laws. Minutes shall be kept for all committee meetings in compliance with state law.

(Ord. 89-39, passed 9-12-1989)

§ 210.12 LIMITATION ON TIME AND FREQUENCY OF MEETINGS.

(A) All committee of the whole meetings and other committee meetings, including but not limited to special City Council meetings, shall be scheduled and held Monday through Friday for the week of the regularly held City Council meeting which is the second and fourth week of each month.

(B) No meetings can be held on days other than those defined in division (A) above without the approval by a two-thirds vote of all of the members of the committee required to attend the meetings including but not limited to executive meetings, emergency meetings and special City Council meetings.

(C) Notice for meetings described in division (B) above must be given to each Council member at least three days (72 hours) before the proposed meeting time and date and a clear and concise agenda of items and issues to be discussed at the meetings must accompany the notice. Consent or the refusal to consent may be given by e-mail between the Council member and the Mayor.

(D) These provisions will not prevent members of a committee from agreeing to meet at any time during the month as long as proper notice is given and two-thirds of the members of the committee required to attend the meetings consent to the meeting.

(Ord. 06-19, passed 4-11-2006)