

MCO - 15- 2015

**AN ORDINANCE TO AMEND
PARAGRAPH (f) ENTITLED "ADDRESSING THE COUNCIL" OF
SECTION 2.06 ENTITLED "COUNCIL RULES OF ORDER"
OF CHAPTER 2 ENTITLED "CITY COUNCIL" AND
TO AMEND PARAGRAPH (g) ENTITLED "PROHIBITED BEHAVIOR DURING
MEETINGS/REMOVAL OF PERSONS" OF
SECTION 2.06 ENTITLED "COUNCIL RULES OF ORDER"
OF CHAPTER 2 ENTITLED "CITY COUNCIL"
OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS**

WHEREAS, the City of Elmhurst (the "City") is a home rule unit of government by virtue of Article VII of the 1970 Illinois Constitution; and

WHEREAS, the City has established a code of procedures and rules as set forth in Chapter 2 of the City Code; and

WHEREAS, the City finds it necessary and desirable to amend paragraphs (f) entitled "Addressing the Council" and paragraph (g) entitled "Prohibited Behavior During Meetings/Removal of Persons" of Section 2.06 entitled "Council Rules of Order" of Chapter 2 entitled "City Council".

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. The recitals set forth are incorporated herein by reference.

Section 2. That Paragraph (f) entitled "Addressing the Council", of Section 2.06 entitled "Council Rules of Order", of Chapter 2 entitled "City Council" of the City's Municipal Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

“(f) Addressing the City Council.

1. No person not a member of the Council shall address the Council without the consent of a majority of the members present, except during the public forum section of the City Council agenda. The presiding officer, without consent of the Council, may recognize the City Clerk, City Treasurer, City Attorney or City Manager. Any Alderman, upon recognition by the presiding officer, may address and seek comments from the City Clerk, City Treasurer, City Attorney, City Manager or any other city staff member as required.

During public forum, any member of the public may address the Council on any subject, provided the person speaking first completes the public forum sign-in sheet provided by the City Clerk and identifies himself or herself. The person wishing to speak may address the City Council after he or she is called upon by the presiding officer or the City Clerk. All comments shall be addressed to the presiding officer. The presiding officer may impose reasonable limits on the time to be allowed for public forum and for each speaker who takes part therein, giving consideration to the probable number of speakers and the work before the Council, including other items on the agenda. The presiding officer shall have the power to limit repetitive statements in addition to other powers granted by ordinance.”

Section 3. That paragraph (g) entitled “Prohibited Behavior During Meetings/Removal of Persons”, of Section 2.06 entitled “Council Rules of Order”, of Chapter 2 entitled “City Council”, of the City’s Municipal Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

“(g) Prohibited Behavior During Meetings/Removal of Persons. No person attending any City Council meeting may engage in the following behaviors:

1. Conduct in violation of any City ordinance, state or federal law, or any rule or regulation implementing City, state or federal law.
2. Interruption of speakers or other behavior which interferes with the orderly conduct of the meeting;
3. Offensive use of abusive, obscene, profane, slanderous or threatening language or gestures;
4. Acting or behaving in such an unreasonable manner so as to alarm or disturb another and to provoke a breach of the peace; and

5. Any other act designed to intimidate, threaten or harm persons, or damage or destroy property.

The presiding officer has the power to require individuals who have engaged in the above-listed prohibited behavior to leave the meeting or to order the individual to be removed. The person to be removed from the meeting has no right to appeal from such an order; however, such an order may be appealed by any member of the Council present at the meeting. Any ruling by the presiding officer may be overruled by a majority of the Aldermen present at such meeting. This Section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws."

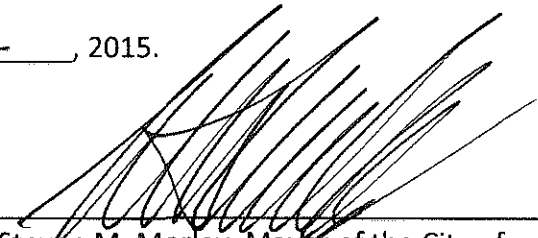
Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of the conflict.

Section 5. This Ordinance shall be in full force and effect upon its passage, approval and publication in accordance with law.

ADOPTED this 15th day of April, 2015, pursuant to a roll call vote as follows:


AYES: 14
NAYS: 0
ABSENT: 0
ABSTENTION: _____

APPROVED by me this 15th day of June, 2015.



Steven M. Morley, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 15th day of June, 2015.



Patty Spencer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois

COUNCIL ACTION SUMMARY

SUBJECT: An Ordinance to Amend Paragraph (f) entitled "Addressing the Council" of Section 2.06 entitled "Council Rules of Order", of Chapter 2 entitled "City Council" and Paragraph (g) entitled "Prohibited Behavior During Meetings/Removal of Persons" of Section 2.06 entitled "Council Rules of Order", of Chapter 2 entitled "City Council" of the Municipal Code of Ordinances of the City of Elmhurst, Illinois

ORIGINATOR: Finance, Council Affairs and Administrative Services Committee; City Attorney

DESCRIPTION OF SUBJECT MATTER:

Pursuant to the recommendations of the Finance, Council Affairs and Administrative Services Committee, the City Attorney prepared an Ordinance to Amend Section 2.06 entitled "Council Rules of Order," of Chapter 2 entitled "City Council," of the Municipal Code of Ordinances, as follows:

Paragraph (f) entitled "Addressing the City Council" is amended to clarify who may address the City Council.

Paragraph (g) entitled "Prohibited Behavior During Meetings/ Removal of Persons" is amended to include conduct in violation of City, state or federal law.