



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

September 24, 2020

*Via electronic mail*  
The Honorable Diane Marlin  
Mayor  
City of Urbana  
400 South Vine Street  
Urbana, Illinois 61801  
dwmalin@urbanaininois.us

RE: OMA Request for Review – 2020 PAC 64787

Dear Mayor Marlin:

The Public Access Bureau has received a Request for Review in which Mr. Christopher Hansen alleges that the City of Urbana City Council (Council) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2018)) in connection with its September 14, 2020, meeting. Specifically, Mr. Hansen alleges that the Council restricted public comment at that meeting by enforcing a time limit that is not outlined in its established and recorded rules, by prohibiting certain comments based on content, and by frequently interrupting commenters. A copy of the Request for Review is enclosed. We have determined that further action is warranted.

Section 2.06(g) of OMA (5 ILCS 120/2.06(g) (West 2018)) states that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." In order to further evaluate this matter, we request that the Council or its representative provide a written response to the allegations in the Request for Review. In your response, please explain whether the Council limited speakers to three minutes per person at the September 14, 2020, meeting; if so, please identify the established and recorded Council rule that permits that time limit. Please also respond to the allegation that the Council prohibited two speakers from completing their comments due to the content of the comments, and that the Council interrupted Mr. Hansen and one other speaker as they attempted to provide their comments. Finally, as required under section 9.5(c) of OMA (5 ILCS 120/3.5(b) (West 2018)), please provide for this office's review copies of the Council's established and recorded

The Honorable Diane Marlin  
September 24, 2020  
Page 2

rules for public comment, the agenda and minutes (draft form, if necessary) from the September 14, 2020, meeting, and any audio or video recordings of that meeting.

**This information must be submitted to our office within seven (7) business days after your receipt of this letter.** As we review this matter, we will advise you if we require additional information. Under FOIA, "[t]he Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing[.]" 5 ILCS 140/9.5(d) (West 2018). **If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.**

If you prefer, you may provide the written response by e-mail to [lbartelt@atg.state.il.us](mailto:lbartelt@atg.state.il.us) or [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us). Please contact me at (312) 814-6437 if you have questions or would like to discuss this matter. Thank you.

Very truly yours,



LEAH BARTELT  
Deputy Public Access Counselor  
Public Access Bureau

Attachment

cc: *Via electronic mail*  
Mr. Christopher Hansen  
[corruptcu@gmail.com](mailto:corruptcu@gmail.com)

*Via electronic mail*  
Mr. James Simon  
City Attorney  
City of Urbana  
400 South Vine Street  
Urbana, Illinois 61801  
[jlsimon@urbanaininois.us](mailto:jlsimon@urbanaininois.us)

**Jefferson, Lavittia**

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**From:** Christopher Hansen <corruptcu@gmail.com>  
**Sent:** Tuesday, September 15, 2020 4:43 AM  
**To:** Public Access  
**Subject:** 2020-09-14 Urbana City Council OMA Violations Request for Review  
**Attachments:** 2-4-public-meetings.pdf; 2020-09-14 Urbana City Council OMA Violations Request for Review.pdf

Public Access Counselor Pratt,

I am writing to formally request a review of Open Meetings Act violations by the Urbana City Council. My complaint is attached.

I appreciate your careful consideration in this matter.

Thank you,  
Christopher Hansen

Public Access Counselor Pratt,

I am writing to formally request that your office review the actions of Urbana City Council and Mayor Diane Wolfe Marlin, Alderman Dennis Roberts, and Alderwoman Julie Laut, regarding the City Council meeting held on September 14, 2020. I believe the Mayor and Council have violated several requirements of the Illinois Open Meetings Act.

The Urbana City website provides a number of documents and videos related to the September 14 meeting here: <https://www.urbanainllinois.us/node/8804>

The Council meeting, which was held on September 14 at 7pm, was held using the Zoom conferencing app. There existed no physical access whatsoever for the public to attend the meeting. The meeting was chaired by Urbana Mayor Diane Marlin, who also had the ability to mute members of the public.

Attached, please find a copy of Urbana City Code Chapter 2, Article I, Section 2-4. This part of the Urbana City Code that provides the rules and time limits for public input during meetings. Section 2-4 has not been altered or amended as a result of the pandemic, and the City Council meeting rules were not suspended for the September 14 meeting.

**1) Mayor Diane Marlin, Alderman Dennis Roberts, and Alderwoman Julie Laut violated the public input provision of the open meetings act, which states, "Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body."**

Multiple options for providing public input electronically are listed in the meeting agenda, including participation via Zoom and telephone.

Section 2-4 of the City Code clearly indicates that members of the public may give input for up to 5 minutes. The presiding officer may limit the time to 3 minutes if they recognize that more than 20 persons desire to speak. The public may compel the public input session to go for up to 2 hours.

Before public input, Mayor Marlin indicated that she would be enforcing her own new rule set for public input at this meeting. This rule set was purely the invention of Mayor Marlin for this particular meeting.

Marlin: "Here's what we're going to tonight: people who want to comment on any of the action items on the agenda, and we have a packed agenda, you'll be invited to speak right after I finish here. If you have general comments to make on anything else, you will be able to speak after the business of the agenda is finished. I'm going to allow one hour total of input tonight...You cannot direct comments toward individual elected officials, city staff, volunteer members of boards or commissions, or other citizens. It's just not appropriate. If you engage in this behavior, particularly negative comments, I will mute."

Marlin explained that even the tenor and tone of public input would be regulated.

Mayor Marlin, without recognizing that more than 20 persons desired to speak, limited speaking time to 3 minutes per person. Marlin actively cut short participants who began to speak past the 3 minute mark.

Mayor Marlin, without any coordination with the Council and without motion or vote, rearranged the agenda and suggested two different times to speak, which would have the effect of forcing members of the public to decide if they wished to speak on an "action item" or something that is not an "action item", but not both.

I was the 7<sup>th</sup> speaker during public input, and I personally asked Marlin if she recognized that more than 20 persons wished to speak, and she said that she did not know, which effectively means "no". Still, Marlin restricted my speech to under 3 minutes and actively muted me in order to prevent me from speaking further. Subtracting the frequent interruptions by Mayor Marlin, I was able to give about 2.5 minutes of public input before Marlin muted me.

Marlin engaged in the heavy-handed content restriction that she warned about regarding mentioning other humans and making "negative" comments. In my case, even mentioning "city staff" was enough for Marlin to cut me off for making "direct comments".

Tracy Chong was also interrupted several times by Marlin and once by Alderman Dennis Roberts for content-based reasons. It is difficult to measure how long someone is speaking when they are so frequently interrupted, but I believe Ms. Chong was also not even allowed 3 minutes. It is also entirely apparent that the frequent interruptions destroyed her cadence and reduced her speed and the effectiveness of her message.

Benjamin Stone appeared to have been muted after only 1 minute and 7 seconds, due to his tone and content.

Sarah Nixon was allowed to speak twice, for a total of 4 minutes.

Beau Barber was stopped by Alderwoman Julie Laut after about 2.5 minutes.

In total, the public was allowed to speak for 33 minutes and 18 seconds over a period of 43 minutes and 43 seconds. Public input never approached 2 hours or even 1 hour. Only 15 members of the public spoke, which is well below the 21 person threshold that would allow Mayor Marlin to reduce individual speaking time from 5 minutes to 3 minutes.

During the 2<sup>nd</sup> round of public input, both myself and Tracy Chong had our hands raised in the Zoom application in an attempt to regain the time we were denied, and speak about "non action items". Marlin did not allow us to speak.

Individually, any of these actions would represent a violation of the Open Meetings Act. In aggregate, these actions represent a gross violation and show malice on the part of Mayor Marlin.

At the end of this document, I have appended my notes about speaker order and times, which may help in your review.

I thank you for your careful review of this matter.

Regards,



Christopher Hansen, September 15, 2020

**Sec. 2-4. Public meetings.**

(a) Any person who seeks to address the members of a commission, committee, or other official body of the city at any public meeting will be permitted to speak on any matter listed on the agenda or on any other matter of public concern, subject to the following provisions:

1. The presiding officer shall designate a time during the meeting at which the public may address the members. The presiding officer may require persons wishing to speak during any portion of a meeting to sign in before the start of the meeting and to provide their names, addresses, and topics to be discussed.

2. Prior to speaking, each person must be recognized by the presiding officer and must state his or her name and address for the record.

3. Subject to subsection 2-4(a)(4), public comment is limited to no more than five (5) minutes per person and to no more than two (2) hours per meeting, unless extended by consent of a majority vote of the members present. The presiding officer or his or her designee shall monitor each speaker's use of time and shall notify the speaker when the time allotted has expired.

4. If the presiding officer recognizes that more than 20 persons desire to speak, he or she may limit each speaker to comments of no more than three (3) minutes. Whenever any group of persons wishes to address the members on the same subject matter, the presiding officer may ask that a spokesperson be chosen from the group. If additional matters are to be presented by other persons in the group, the presiding officer may limit the number of such persons and may limit the presentation to information not already presented by the group spokesperson.

5. Persons invited by the presiding officer to address the members are subject to such time limitations as the majority of the members present may prescribe.

6. Separate rules, as required by law or as otherwise provided in this Code, will govern the conduct of quasi-judicial hearings.

(b) The city clerk shall post the provisions of subsection 2-4(a) on the city's website.

- 1) Jennifer Ivory-Tatum 3:06
- 2) Sarah Nixon ~40s (cut short based on content)
  - a. Marlin tells Nixon to save the rest of her comment for the 2<sup>nd</sup> input session
- 3) Tracy Chong ~2:56 of actual speech, accounting for interruptions
  - a. Content-based interruption by Marlin after ~27s for ~10s
  - b. Content-based interruption by Dennis Roberts after ~2min for ~20s
  - c. Marlin says Chong won't be allowed to speak about non "action items" later
  - d. At ~2:40 Marlin interrupts again with a content-based restriction
  - e. Ms. Chong becomes frustrated and hangs up
- 4) Ameena Payne 3:00

Jared Miller asks if the public will be able to speak at both speaking sessions, and Marlin responded "no, you get to speak once during a meeting. That has always been the case at Urbana City Council meetings."

- 5) Benjamin Stone 1:07
  - a. Content-based interruption after ~40s by Marlin for ~10s
  - b. Interruption by Marlin again after ~55s for content
  - c. Muted by Marlin 1:07s, Marlin cites content
- 6) Brian Dunn 1:43
- 7) Christopher Hansen ~2:30
  - a. Hansen asks if there are more than 20 persons wishing, Marlin said she didn't know
  - b. Hansen asks if there was any vote on changing the agenda and Marlin said no
  - c. Marlin refuses to set the clock back to 3 minutes or allow 5 minutes
  - d. Marlin interrupts after ~25s with content-based restriction for ~10s
  - e. Marlin interrupts after ~90s with content-based restriction for ~7s
  - f. Marlin interrupts and mutes after ~2.5min
- 8) Grace Wilken 1:35
- 9) Julie Watkins 0:39

End of first public input session. Council has heard about 14 minutes and 16 seconds of public input, over the course of 21 minutes and 51 seconds.

2<sup>nd</sup> public input session. Marlin says they have 36 minutes left for public input.

- 10) Sarah Nixon (again) 3:19
- 11) Allen Axlerod 3:06
- 12) Allen Romero 2:53

Vote to extend the meeting time.

- 13) Beau Barber 2:43
  - a. Interrupted by Julie Laut after ~2.5min for "targeting one individual"
  - b. Seems to feel he isn't allowed to speak anymore after being stopped
- 14) Meghan McDonald 3:12
- 15) Brandi 1:46
- 16) Ben Theobald 2:03

Council has heard about 19 minutes and 2 seconds of public input over the course of 21 minutes and 43 seconds