

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

X Resolution or Ordinance (Blue) *Waiver of First Requested*
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: February 7, 2024 (B of T) Date: February 15, 2024

TITLE: A Resolution Amending Procedures for Electronic Attendance at Village Board Meetings

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is a Resolution amending the Electronic Attendance at Village Board Meetings Rules, previously adopted pursuant to Resolution 53.12. The amendments reduce the notice requirement and add a provision permitting remote participation when elected officials cannot attend due to unexpected childcare obligations.

Please place this item on the February 15, 2024 Board of Trustees agenda.

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<u>Scott Niehaus</u>	Date	<u>2/7/24</u>



MEMORANDUM

TO: Scott Niehaus, Village Manager
FROM: Nicole Aranas, Deputy Village Manager *NA*
DATE: February 7, 2024
SUBJECT: **A RESOLUTION AMENDING PROCEDURES FOR ELECTRONIC ATTENDANCE AT VILLAGE BOARD MEETINGS**

Attached please find information regarding a proposed resolution which amends the existing Electronic Attendance at Village Board Meeting Rules. The amendments provide for amendments to shorten the notice requirement and add an additional condition under which an elected official may be permitted to participate by electronic means.

The State of Illinois restricts the parameters under which elected officials may be allowed to participate in public meetings by electronic means. Late last year, the Illinois legislature added an additional situation under which Board members may request to participate in meetings remotely. If adopted by the local municipality, elected officials may now request remote participation when they "cannot attend because of unexpected childcare obligations." The attached resolution adds this situation as one where remote participation is permitted.

Additionally, the proposed Resolution reduces the local advance notice requirement from one week to six (6) hours, unless impractical. The change in timing and advance notice were added on account of situations like illness and family emergency, where advance notice of one week is not possible. Furthermore, the ability of Village staff to prepare and respond to requests for remote participation has improved over time such that we can generally prepare for remote participation with significantly less notice than before.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

RESOLUTION NO. _____

**A RESOLUTION AMENDING PROCEDURES FOR
ELECTRONIC ATTENDANCE AT VILLAGE BOARD MEETINGS**

WHEREAS, on January 1, 2007, Public Act 94-1058 amended the Open Meetings Act to permit attendance of members of a public body at public meetings by a means other than physical presence; and

WHEREAS, to permit attendance at Village Board meetings by a means other than physical presence, the Village of Lombard (hereinafter the "Village") must adopt rules that conform to the requirements and restrictions of Section 7 of the Open Meetings Act (5 ILCS 120/7); and

WHEREAS, on January 5, 2012, pursuant to Resolution 53-12, the President and Board of Trustees ("Corporate Authorities") of the Village adopted rules that conform to the requirements and restrictions of Section 7 of the Open Meetings Act in regard to permitting the attendance of members by the Corporate Authorities by a means other than physical presence; and

WHEREAS, Public Act 103-0311 amended the Open Meetings Act to expand the reasons for permitting remote attendance at public meetings to include unexpected childcare obligations; and

WHEREAS, the Corporate Authorities of the Village desire to expand the reasons to permit attendance of members of the Corporate Authorities at Village Board meetings by means other than physical presence, in compliance with the Open Meetings Act, to include unexpected childcare obligations; and

WHEREAS, advancements in virtual meeting technology render unnecessary the

one week notice requirement for a member of the Corporate Authorities to request remote participation in a public meeting and it is the desire of the Corporate authorities to shorten the notice requirement to six (6) hours; and

WHEREAS the Corporate Authorities are required to amend its rules related to electronic participation at Village Board meetings to include unexpected childcare obligations in order to permit electronic participation by members of the Corporate Authorities due to unexpected childcare obligations. Similarly, the Corporate Authorities are required to amend its rules related to the notice requirement for electronic participation to shorten the notice period to six (6) hours;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: The recitals set forth above are incorporated herein as part of this Resolution.

SECTION 2: The Village hereby adopts the Electronic Attendance at Village Board Meetings Rules, attached hereto as Exhibit A and made part hereof, which permits a member of the Corporate Authorities to attend any Village Board meeting via electronic means, subject to certain conditions, and shortens the notice period for a request to participate in a Village Board meeting via electronic means. The Electronic Attendance at Village Board Meetings Rules, attached hereto as Exhibit A, repeal and replace the rules adopted pursuant to Resolution 53-12.

SECTION 3: In the event that any section, clause, provision or part of this Resolution shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 4: This Resolution shall be in full force and effect after its adoption and approval as provided by law.

ADOPTED this 1st day of February, 2024, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of February, 2024.

Keith T. Giagnorio
Village President

ATTEST:

Elizabeth Brezinski
Village Clerk

Exhibit A

VILLAGE OF LOMBARD ELECTRONIC ATTENDANCE AT VILLAGE BOARD MEETINGS RULES

SECTION 1: Rules Statement. It is the decision of the President and Board of Trustees (the "Corporate Authorities") of the Village of Lombard (the "Village") that any member of the Corporate Authorities may attend any open or closed meeting of the Corporate Authorities via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws.

SECTION 2: Prerequisites. A member of the Corporate Authorities may attend a meeting electronically if the member meets the following conditions:

- (a) The member should notify the Village Clerk at least six (6) hours before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.
- (b) The member must assert one of the following five (5) reasons why he or she is unable to physically attend the meeting,
 - (1) The member cannot attend because of personal illness or disability; or
 - (2) The member cannot attend because of employment purposes; or
 - (3) The member cannot attend because of the business of the Village; or
 - (4) The member cannot attend because of a family or other emergency; or
 - (5) The member cannot attend because of unexpected childcare obligations.

SECTION 3: Authorization to Participate.

- (a) The Village Clerk, after receiving the electronic attendance request, shall inform the Corporate Authorities of the request for electronic attendance.

- (b) After establishing that a quorum is physically present at a meeting where a member of the Corporate Authorities desires to attend electronically, the presiding officer shall state that:
 - (1) A notice was received by a member of the Corporate Authorities in accordance with these Rules; and
 - (2) The member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members of the Corporate Authorities physically present at the meeting. If no such motion is made and seconded, or if any such motion fails to achieve the required vote by the members of the Corporate Authorities physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the Corporate Authorities and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

SECTION 4: Adequate Equipment Required. The member participating electronically and other members of the Corporate Authorities must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the Corporate Authorities shall provide equipment adequate to accomplish this objective at the meeting site.

SECTION 5: Minutes. Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

SECTION 6: Rights of Remote Member. A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Village Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.