

ORDINANCE 2020-O-2

**AN ORDINANCE AMENDING §§ 30.13, 30.20 AND 32.04
OF THE MUNICIPAL CODE OF WINTHROP HARBOR
ADDING RULES FOR REMOTE MEETING ATTENDANCE
BY THE MAYOR, TRUSTEES AND ALSO
MEMBERS OF THE PLANNING AND ZONING BOARD**

WHEREAS, the Illinois Open Meetings Act allows elected officials to attend meetings by remote audio or video link under specified conditions (5 ILCS 120/7), and

WHEREAS, the corporate authorities are required to adopt internal rules and regulations consistent with those specified conditions by the said statute when the Board wishes to allow remote attendance, and

WHEREAS, the corporate authorities have reviewed the draft rules set forth below and find that the same meet the requisites of the said statute, allow for remote attendance in appropriate settings and still favoring personal attendance at meetings, and that the same should be adopted,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Section 30.13 of the Winthrop Harbor Municipal Code is hereby repealed and replaced with the following Section:

§ 30.13 ORDER OF BUSINESS.

The order of business at meetings of the Board of Trustees shall be as follows:

- (A) Roll call.
- (B) Invocation and Pledge of Allegiance.
- (C) Absent Officials Wishing to Attend Remotely.
- (D) Approval of Minutes of Previous Meeting or Meetings.
- (E) Mayor's Report.
- (F) Village Administrator's Report.
- (G) Clerk's Correspondence
- (H) Old Business.
- (I) Liaisons' Reports on New Business.
- (J) Public Comment.
- (K) Other business.
- (L) Closed Session for any purpose allowed by law under the Illinois Open Meetings Act, 5 ILCS 120/1, *et. seq.*, including but not limited to personnel, collective bargaining, purchase, sale or lease of land and litigation.
- (M) Adjournment.

SECTION TWO: Chapter 30 of the Winthrop Harbor Municipal Code is hereby amended by the addition of section 30.20 which shall hereafter read as follows:

§ 30.20 Remote Attendance At Board Of Trustees Meeting.

Policy Considerations:

It is the policy of the Corporate Authorities of Winthrop Harbor that the presence of the elected officials at all public meetings is highly desirable. The public's ability to view actions being taken by elected officials and to make meaningful input into the decision-making process will be materially impaired by the lack of direct access to elected officials in the public forum provided by meetings of the Board of Trustees. Accordingly, the provisions for remote attendance at meetings set forth in this section are intended to provide for the public's good, not necessarily for the convenience or ease of the elected officials. As such, this policy should be used sparingly and in strict conformance with the provisions described herein.

1. Definitions

For purposes of this policy, the following terms shall have the following meanings:

- (a) "Attend by electronic means" means attending by audio or video conference.
- (b) "Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communications, of a majority of a quorum of the members of the Board of Trustees held for the purposes of discussing public business.
- (c) "Public building" means any building or portion thereof owned or leased by any public body.

2. Electronic Participation

(a) If a quorum of the members of the Board of Trustees is physically present as required by 5 ILCS 120/7, a majority of those members present may allow the Mayor or a Trustee to attend the meeting by means of video or audio conference if such a person is prevented from physically attending because of the following exclusive reasons and no others:

- (a) personal illness or disability; or
- (b) employment purposes; or
- (c) business of the public body; or
- (d) a family or other emergency.

3. Notification Requirements

(a) If the Mayor or a Trustee wishes to attend a meeting by audio or video conference, then the member must notify the Clerk before the meeting unless such advance notice is impractical.

4. Consideration of Request for Electronic Participation

(a) Consideration of a request for electronic participation shall occur under the agenda item titled “Absent Officials Wishing to Attend Remotely”.

(b) Any Trustee physically present may state an objection to allowing remote attendance. In the absence of any such objection, the remote attendance shall be deemed to be allowed without objection.

(c) Upon the making of an objection, those Trustees physically present shall consider whether any such request meets the requirements of Paragraph 2, and vote regarding whether the requestor may be allowed to participate electronically or whether the objection should be upheld.

(d) An objection shall be upheld only where there is an affirmative majority vote of the Trustees physically present.

(e) Any official requesting to attend the meeting by electronic means may participate in the debate on such question but may not vote on the approval of their own request.

(f) If more than one official requests to attend the meeting by electronic means, such requests will be considered in the order in which notification was received by the Clerk as required in Paragraph 3.

(g) Any official whose request to attend the meeting by electronic means is approved may not vote on the approval of any other member’s request considered during that meeting, but may participate in any debate on the question.

(h) Any official whose request for attendance by electronic means is denied may continue to listen to and/or view the meeting via electronic means, but may only participate to the same extent in which a member of the public physically present at the meeting could participate.

5. Closed Sessions

(a) Any official’s request to attend by electronic means only the closed session of any such meeting shall be considered and voted upon in open session and otherwise in accordance with the Open Meetings Act.

SECTION THREE: Section 30.24 of the Winthrop Harbor Municipal Code is hereby amended by the addition of subsection (f), which shall hereafter read as follows:

§30.24(f) Remote Attendance At Planning and Zoning Board Meeting.

Policy Considerations:

It is the policy of the Village of Winthrop Harbor that the presence of the appointed officials at all public meetings is highly desirable. The public's ability to view actions being taken by appointed officials and to make meaningful input into the decision-making process will be materially impaired by the lack of direct access to appointed officials in the public forum provided by meetings of the Planning and Zoning Board. Accordingly, the provisions for remote attendance at meetings set forth in this section are intended to provide for the public's good, not necessarily for the convenience or ease of the appointed officials. As such, this policy should be used sparingly and in strict conformance with the provisions described herein.

2. Definitions

For purposes of this policy, the following terms shall have the following meanings:

- (a) "Attend by electronic means" means attending by audio or video conference.
- (b) "Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communications, of a majority of a quorum of the members of the Planning and Zoning Board held for the purposes of discussing public business.
- (c) "Public building" means any building or portion thereof owned or leased by any public body.

2. Electronic Participation

(a) If a quorum of the members of the Planning and Zoning Board is physically present as required by 5 ILCS 120/7, a majority of those members present may allow a member to attend the meeting by means of video or audio conference if the member is prevented from physically attending because of the following exclusive reasons and no others:

- (a) personal illness or disability; or
- (b) employment purposes; or
- (c) business of the public body; or
- (d) a family or other emergency.

3. Notification Requirements

(a) If a member wishes to attend a meeting by audio or video conference, then the member must notify the Recording Secretary before the meeting unless such advance notice is impractical.

4. Consideration of Request for Electronic Participation

- (a) Consideration of a member's request for electronic participation shall occur under the agenda item titled "Absent Members Wishing to Attend Remotely".
- (b) Any member physically present may state an objection to allowing remote attendance. In the absence of any such objection, the remote attendance shall be deemed to be allowed without objection.
- (c) Upon the making of an objection, those members physically present shall consider whether any such request meets the requirements of Paragraph 2, and vote regarding whether such member may be allowed to participate electronically or whether the objection should be upheld.
- (d) An objection shall be upheld only where there is an affirmative majority vote of the members physically present.
- (e) Any member requesting to attend the meeting by electronic means may participate in the debate on such question but may not vote on the approval of their own request.
- (f) If more than one member requests to attend the meeting by electronic means, such requests will be considered in the order in which notification was received by the Recording Secretary as required in Paragraph 3.
- (g) Any member whose request to attend the meeting by electronic means is approved may not vote on the approval of any other member's request considered during that meeting, but may participate in any debate on the question.
- (h) Any member whose request for attendance by electronic means is denied may continue to listen to and/or view the meeting via electronic means, but may only participate to the same extent in which a member of the public physically present at the meeting could participate.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 21ST DAY OF JANUARY 2020.

ATTEST:

DR. MICHAEL BRUNO, MAYOR

JULIE RITTENHOUSE, VILLAGE CLERK