



MEMO TO : The Honorable President
and Board of Trustees

FROM : David A. Hulseberg *Dah*
Village Manager

DATE : December 28, 2011

SUBJECT : Resolution Defining Meeting and Adopting
Procedures of Electronic Attendance at Meetings

This item was tabled at the Village Board meeting of December 27th. Trustee Ware has recommended two changes be made and Trustee Breen concurred with them. Attached is the revised version of the above-referenced item.

The two changes include providing a written request to the Village Clerk (Section 2(a)) and an Annual Reporting Requirement by the Village Clerk in Section 7.

This item will be placed on the Village Board meeting of January 5th for your review and consideration. Should you have any questions, please feel free to contact me.

/cb

Memo110741electronicattendanceatmeetings

RESOLUTION NO. _____

**A RESOLUTION ADOPTING 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, the President and Board of Trustees (the "Corporate Authorities") of the Village desire 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;

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, that permits a member of the Corporate Authorities to attend any Village Board meeting via electronic means, subject to certain conditions.

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 27th day of December, 2011, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 27th day of December, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
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 in writing at least one (1) week 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 four (4) 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.

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.

SECTION 7: Annual Reporting. The Village Clerk shall provide an annual report on the

usage of electronic attendance by all members of the Corporate Authorities and report the same at the first regularly scheduled meeting of the Board of Trustees' meeting in January.