

110741

DISTRICT #

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

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 R. Niehaus, Village Manager

DATE : November 3, 2014 **B of T:** November 6, 2014

SUBJECT: Resolution Adopting Procedures for Electronic Attendance at Village Board Meetings

SUBMITTED BY: Scott R. Niehaus, Village Manager

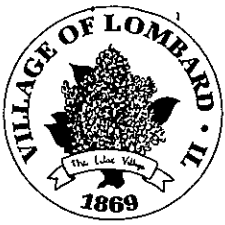
BACKGROUND/POLICY IMPLICATIONS:

Resolution providing procedures for the electronic attendance of elected officials at Village Board Meetings.

Fiscal Impact/Funding Source:

Review (as necessary):
Finance Director _____ Date _____
Village Manager Scott Niehaus Date 11/9/14

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMO TO : Village President Keith Giagnorio and
Lombard Village Board

FROM : Scott R. Niehaus
Village Manager

DATE : November 3, 2014

SUBJECT : **RESOLUTION ADOPTING PROCEDURES FOR ELECTRONIC
ATTENDANCE AT VILLAGE BOARD MEETINGS**

On January 5, 2012, the Village Board of Trustees adopted Resolution R-53-12, A Resolution Adopting Procedures for Electronic Attendance at Village Board Meetings. The resolution made provisions for Trustees to attend and participate through electronic means at Village Board meetings under certain conditions. This Resolution included a Sunset Clause ending July 5, 2012.

In addition, the Resolution provided that the Village Clerk develop an annual report on the usage of electronic attendance each year. During the effective time of January 5, 2012 through July 5, 2012, there was no usage of the electronic attendance. Based on the foregoing, Resolution R-53-12 expired effective July 5, 2012.

This matter is being brought before the Village Board at this time for further consideration. Attached is a revised Resolution along with relative attachments for your consideration at the November 6th Village Board meeting.

Please note that this version of the ordinance includes a maximum limit of four (4) times per calendar year that a Village Board member may participate in a meeting via telephone. In order to exceed that amount, a majority of the corporate authority must approve the request.

The other key components of the resolution that are identical to the previous version include:

1. Board members must notify the Village Clerk one week in advance;
2. A quorum of the corporate authority must still attend the meeting in person (meaning that the Board member attending via telephone cannot be counted to make the quorum);
3. Being on vacation is NOT an acceptable reason to invoke the policy.

SN:cb

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 ____ day of _____, 2014, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2014.

Keith Giagnorio
Village President

ATTEST:

Sharon Kuderna
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 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, subject to the restrictions set forth in (3) below, 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.
- (3) Once a member has attended four (4) meetings electronically within the calendar year, the member will not be authorized to attend additional meetings electronically within that calendar year unless a motion approving the member's electronic attendance is made, seconded and approved by a majority 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 denied by the Corporate Authorities and the presiding officer shall declare the requesting member absent. 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.