

RESOLUTION NO. R2021-50

A RESOLUTION APPROVING AN AMENDED POLICY CONCERNING ELECTRONIC ATTENDANCE AT CITY COUNCIL, CITY COUNCIL COMMITTEE, AND PLAN COMMISSION AND ZONING BOARD OF APPEALS MEETINGS

WHEREAS, the City is a home rule municipal corporation pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, on January 20, 2020, the City Council adopted Resolution No. 2020-03, which approved an electronic attendance policy ("**Electronic Attendance Policy**"); and

WHEREAS, the Electronic Attendance Policy authorizes members of the City Council to attend City Council and City Council Committee meetings by video or audio conference ("**Electronic Attendance**") pursuant to and in accordance with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., and subject to certain rules and conditions; and

WHEREAS, the Mayor and the City Council proposes to amend and restate the Electronic Attendance Policy to authorize members of the Plan Commission and Zoning Board of Appeals to attend Plan Commission and Zoning Board of Appeals meetings via audio or video conference ("**Amended Policy**"); and

WHEREAS, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve and implement the Amended Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Resolution as if fully set forth in this Resolution.

SECTION 2: Approval of Amended Policy. The City Council hereby approves the Amended Policy in the form attached to this Resolution as **Exhibit A**.

SECTION 3: Effective Date. This Resolution shall be in full force and effect following its passage and approval in the manner provided by law.

PASSED THIS ____ day of _____, 2021.

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

APPROVED THIS ____ day of _____, 2021.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A
AMENDED POLICY

CITY OF WARRENVILLE

ELECTRONIC ATTENDANCE AT CITY MEETINGS ~~OF THE CITY COUNCIL~~ POLICY

I. Background and Purpose.

The Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* (the "Act"), requires that the actions of public bodies be taken openly and that their deliberations be conducted openly, except for certain limited circumstances that permit closed meetings. Section 7 of the Act provides that if a quorum of members of a public body is physically present, the public body may allow a member of the body to attend the meeting by a means other than physical presence subject to certain requirements and restrictions and to the extent allowed by rules adopted by the public body. See, 5 ILCS 120/7. This Policy is intended to adopt certain rules and procedures for attendance at meetings by video or audio conference by members of the City Council and Standing Committees of the City Council consistent with Section 7 of the Act.

II. Definitions.

"**Electronic Attendance**" shall mean the attendance at a meeting of a Public Body by a member of that Public Body who is not physically present at the meeting but attends by either video or audio conference.

"**Public Body**" shall mean the City Council ~~and~~, all Standing Committees of the City Council, Plan Commission, and Zoning Board of Appeals.

III. Member Qualifications for Electronic Attendance.

A member of a Public Body is qualified to attend a meeting of that Public Body electronically only if the member is physically prevented from attending the meeting by:

- (1) personal illness or disability;
- (2) employment purposes or the business of the public body; or
- (3) a family or other emergency.

IV. Procedures for Authorizing Electronic Attendance.

The following procedures are required before a member of a Public Body is authorized to attend electronically a meeting of that Public Body:

- A. Notice to the City Clerk. The member must notify the City Clerk in writing at least four hours prior to the meeting in which the member desires to attend electronically, unless advance notice is impractical. The notice shall be substantially in the form attached to this Policy as Appendix A and shall identify the reason the member cannot be physically present at the meeting in accordance with Section III of this Policy. If the member is unable to give the required written notice prior to the meeting, the member shall notify the Clerk by

other means prior to the meeting and shall submit the required written notice as soon as practicable following the meeting.

- B. Determination of Authorization of Electronic Attendance. Upon receipt of notice in accordance with Subsection IV.A, the Clerk shall promptly forward the notice to the presiding officer of the Public Body. After establishing that a quorum of the Public Body is physically present at the meeting at which a member has requested to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the Public Body in accordance with this Policy, and (ii) 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 Public Body 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 Public Body physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the Public Body 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.

V. **Special Rules for Meetings Involving Electronic Attendance.**

A meeting of a Public Body at which any member has been authorized to attend electronically in accordance with Section IV of this Policy must be conducted in accordance with the following special rules, in addition to any other applicable rules and procedures of the Public Body:

- A. Roll Call and Quorum. A quorum of the Public Body must be physically present at the meeting. Following the call of the roll, and at the conclusion of the procedures set forth in Section IV.B of this Policy, the presiding officer shall identify each member who is attending the meeting electronically.
- B. Identification and Recognition of Electronic Attendees. Any member attending electronically must identify himself or herself each time the member wishes to speak and must be recognized by the presiding officer prior to addressing matters before the Public Body.
- C. Public Access to Meeting. The speech of a member attending electronically shall be amplified in such a manner that it shall be generally audible to members of the Public Body and the public who are physically present at the meeting. Also, any video image of a member attending electronically shall be projected in such a manner that the member's video image shall be generally visible and audible to members of the Public Body and the public who are physically present at the meeting. In addition, the votes of any member of the Public Body attending electronically shall be generally audible at the location where such meeting is being held and expressly acknowledged by the presiding officer. When a member attends a closed meeting electronically, the member's speech shall be generally audible to all members of the Public Body who are physically present at the meeting, and the audio recording of the meeting required by the Act shall incorporate the speech of the member electronically attending the closed meeting.

- D. Minutes. The minutes of each meeting of a Public Body shall identify which of the members of the Public Body were physically present and, if applicable, which members of the Public Body attended electronically. The minutes shall also reflect the reason for a member's attendance electronically (as described in Section III of this Policy), the fact that there was no valid objection to such attendance pursuant to this Policy, and the electronic means by which the member attended the meeting.

VI. Effect of Electronic Attendance.

A member attending a meeting of a Public Body electronically shall be considered present at the meeting and entitled to vote on any matter before the Public Body as if the member were physically present at the meeting, provided that the member's attendance at the meeting electronically complies with the terms of this Policy.

VII. Emergency and Disaster Situations.

In the event of a bona fide disaster, as defined in the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.* ("**IEMAA**"), this Policy shall not apply to restrict the conduct of public business by a Public Body, provided such public business is conducted in accordance with Subsection 10(j) of the IEMAA [and/or the Public Body's authority to conduct a remote meeting pursuant to Section 7\(e\) of the Illinois Open Meetings Act, 5 ILCS 120/7\(e\).](#)

VIII. Electronic Attendance by City Officers and Staff.

Sections III, IV, and V.A of this Policy only apply to members of the public body. City officers and staff may attend a meeting of the public body electronically, in accordance with Sections V.B, V.C, and V.D of this Policy, as follows:

- A. City Clerk and City Treasurer. The City Clerk and the City Treasurer may electronically attend meetings of the public body upon prior notice to the City Administrator, if it is the City Clerk who desires to attend electronically, or to the City Clerk, if it is the City Treasurer who desires to attend electronically; provided, however, that the duties of the City Clerk, including calling the roll and taking notes for the preparation of the minutes, must be carried out by a person physically present at the meeting.
- B. City Staff. City staff may electronically attend a meeting of the public body upon approval of the City Administrator and prior notice to the City Clerk.

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Appendix A

Form of Notice

I, _____, am a member of the _____, a Public Body. In accordance with Subsection IV.A of the City's "Electronic Attendance at Meetings of the City Council Policy," I am submitting this notice evidencing my desire to electronically attend the _____, 20__, meeting of the Public Body. I am physically prevented from attending that meeting due to one or more of the following circumstances:

- Personal illness or disability.
- Employment purposes or the business of the public body.
- A family or other emergency.

Date: _____

Signature:
