

**VILLAGE OF GILBERTS**

**ORDINANCE NO. 10 - 2023**

**AN ORDINANCE ADOPTING  
AN ELECTRONIC PARTICIPATION IN MEETINGS POLICY**

**WHEREAS**, effective January 1, 2007, Public Act 94-1058 amended various provisions of the Act to clarify the definition of "meeting" to include meetings by electronic means and to authorize the adoption of rules for electronic meeting attendance by members of public bodies; and

**WHEREAS**, to permit attendance by means other than physical presence, the Village of Gilberts must adopt a policy that conforms to the requirements and restrictions of the Open Meetings Act, 5 ILCS 120/7; and

**WHEREAS**, the corporate authorities of the Village of Gilberts desire to permit attendance of members of the public body by means other than physical presence in compliance with the Open Meetings Act; and

**THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, ILLINOIS**, as follows:

**Section 1.** **Recitals.** The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

**Section 2.** **Adoption of Program.** The "Electronic Attendance at Meetings Policy," attached to this Ordinance as **Exhibit A** is hereby approved and adopted.

**Section 3.** **Effective Date.** This Ordinance shall be in full force and effect from and after its approval in the manner provided by law.

PASSED BY THE BOARD OF TRUSTEES this 16th day of May, 2023 by roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Frank Marino	✓	_____	_____	_____
Trustee Brandon Coats	✓	_____	_____	_____
Trustee Justin Redfield	✓	_____	_____	_____
Trustee Jeanne Allen	✓	_____	_____	_____
Trustee Robert Chapman	✓	_____	_____	_____
Trustee Robert Vanni	✓	_____	_____	_____
President Guy Zambetti	_____	_____	_____	_____



APPROVED THIS 16<sup>TH</sup> DAY OF MAY, 2023.

  
\_\_\_\_\_  
Guy Zambetti, Village President

ATTEST:

  
\_\_\_\_\_  
Kelly Mastera, Village Clerk

## VILLAGE OF GILBERTS

~~ELECTRONIC ATTENDANCE AT MEETINGS POLICY~~**I. Background and Purpose.**

The Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* ("*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. Pursuant to Public Act 94-1058, the Illinois General Assembly amended various provisions of the Act, which amendments become effective on January 1, 2007. These amendments include certain clarifications to the definition of "meeting" to include meetings by electronic means and the adoption of rules for electronic meeting attendance by members of public bodies. This Policy is intended to adopt certain rules and procedures for electronic meeting attendance by members of boards, commissions, and committees of the Village consistent with Public Act 94-1058.

**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 Village Board of Trustees and all other subsidiary boards, commissions, and committees of the Village that are subject to the Act.

**III. Member Qualifications for Electronic Attendance.**

A. Reasons. 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;
- (3) a family or other emergency;

or such other reason authorized by the Act, as it may be amended from time to time.

B. Limitation on Number of Meetings. A member of a Public Body may attend an unlimited number of meetings of the Public Body electronically in any one calendar year.

C. Closed Session. A member of a Public Body shall be permitted to participate electronically in any closed session.

**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 Clerk and Administrator. The member must notify the Village Clerk and Village Administrator via email at least four hours prior to the meeting in which the member desires to attend electronically, unless advance notice is impractical. The content of the email notice shall contain substantially the same information as the form attached to this Policy as Exhibit 1 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 emailed 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 head 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) call for a motion on whether the member will be authorized to attend the meeting electronically, which vote must be approved by a majority 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 denied by the Public Body and the head of the Public Body shall declare that the requesting member is not authorized to attend the meeting electronically. 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 to 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. 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.
- 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 vote by the Public Body to approve the electronic attendance, 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 any local ordinance, rule, regulation, or policy relating to emergency situations, or in accordance with any other authorizing statutory statute, such as the special remote meeting procedures authorized during a public health disaster.

**Appendix A**

**Form of Notice**

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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

or such other reason as authorized by the Act, as it may be amended from time to time.