

# Request For Board Action

REFERRED TO BOARD: July 28, 2021

AGENDA ITEM NO: 9

ORIGINATING DEPARTMENT: Administration

SUBJECT: Approval of an Ordinance Amending Section 1-4-6 of the Municipal Code of Antioch regarding remote attendance at Board of Trustees Meetings

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

As discussed at the July 14, 2021 Committee of the Whole Meeting, the proposed ordinance amends the current remote attendance requirements.

DOCUMENTS ATTACHED:

1. Ordinance

RECOMMENDED MOTION:

**Move** to approve an Ordinance Amending Section 1-4-6 of the Municipal Code of Antioch regarding Remote attendance at Board of Trustees Meetings, waiving the second reading.

VILLAGE OF ANTIOCH

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21-\_\_-\_\_

***AN ORDINANCE AMENDING SECTION 1-4-6 OF THE MUNICIPAL CODE OF  
ANTIOCH REGARDING REMOTE ATTENDANCE AT BOARD OF TRUSTEES MEETINGS***

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF ANTIOCH, ILLINOIS  
ON  
\_\_\_\_\_, 2021**

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**Published in pamphlet form by authority of the Village Board of the Village of  
Antioch, Lake County, Illinois,  
this \_\_<sup>th</sup> day of \_\_\_\_\_, 2021.**

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SCOTT J. GARTNER	<b>President</b>	MARY C. DOMINIAK	<b>Trustee</b>
		MARY J. PEDERSEN	<b>Trustee</b>
LORI K. ROMINE	<b>Clerk</b>	ED MACEK	<b>Trustee</b>
		SCOTT A. PIERCE	<b>Trustee</b>
DEL GALDO LAW GROUP, LLC	<b>Attorney</b>	PETRINA A. BURMAN	<b>Trustee</b>
		BRENT C. BLUTHARDT	<b>Trustee</b>

**Ordinance No. 21-\_\_-\_\_**

***AN ORDINANCE AMENDING SECTION 1-4-6 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING REMOTE ATTENDANCE AT BOARD OF TRUSTEES MEETINGS***

**WHEREAS**, the Village of Antioch (“Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, et seq.) (the “Code”); and

**WHEREAS**, the Village President (the “President”) and the Village Board of Trustees (the “Village Board”, and together with the President, the “Corporate Authorities”) are committed to the efficient operation of government; and

**WHEREAS**, Section 1-4-6 of the Municipal Code of Antioch (the “Village Code”) regulates remote attendance at Village Board meetings; and

**WHEREAS**, the Corporate Authorities have determined that the regulations regarding remote attendance at Village Board meetings need to be updated due to evolving technology; and

**WHEREAS**, based on the foregoing, the Corporate Authorities have determined that it is necessary, advisable, and in the best interests of the Village, and its residents, to amend Section 1-4-6 of the Village Code;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

**SECTION 1:** The Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Title 1, Chapter 4, Section 1-4-6 of the Village Code as set forth below (additions underlined; deletions ~~stricken~~):

F. Remote Attendance At Board Of Trustees Meeting: It is the policy of the corporate authorities of Antioch that the presence of the elected officials, either in-person or remotely, at all public meetings is ~~highly desirable~~ necessary to conduct their duties. ~~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 subsection are intended to provide for the public's good and for the safety and well-being of the public and elected officials, ~~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 subsection F, the following terms shall have the following meanings:

ATTEND BY ELECTRONIC MEANS: Attending by audio or video conference.

MEETING: 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.

PUBLIC BUILDING: 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 Illinois Compiled Statutes 120/72.01, 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:
  - (1) Personal illness or disability; or
  - (2) Employment purposes; or
  - (3) Business of the public body; or
  - (4) 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 clerk 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 trustees wishing to attend remotely" or similar language providing notice of electronic participation.
- b. Any member attending remotely is presumed to have met the requirements of subsection F2. Any member physically present may state ~~a~~ concise objection to allowing remote attendance if they reasonably believe a requirement in subsection F2 is not met by the member(s) attending remotely. ~~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 subsection F2 of this section only if another member present physically present seconds said objection, and vote regarding whether such member may be allowed to participate electronically or whether the objection should be upheld. In the absence of any member physically present seconding an objection, the remote attendance shall be deemed to be allowed without objection.
- 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 clerk as required in subsection F3 of this section.

- 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.

5. Closed Sessions:

- a. Any member'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.

~~6. Reimbursement Of Costs Associated With Attendance By Electronic Means:~~

- ~~a. Reasonable costs associated with or occasioned by a member's attendance at a meeting by electronic means shall be reimbursed by the village to the member.~~

SECTION 2: The Corporate Authorities hereby approve the amendment of Title 1, Chapter 4, Section 1-4-6 of the Village Code.

SECTION 3: All ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 4: The Village Clerk shall cause this Ordinance to be published in pamphlet form.

SECTION 5: This Ordinance shall be in full force and effect after passage and publication as provided by law.

PASSED by the President and Board of Trustees of the Village this \_\_ day of \_\_\_\_\_, 2021.

Voting Aye (list names):

Voting Nay (list names):

Abstaining (list names):

Absent (list names):

\_\_\_\_\_  
SCOTT J. GARTNER, MAYOR

ATTEST:

\_\_\_\_\_  
LORI K. ROMINE, VILLAGE CLERK

STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF LAKE            )

**CERTIFICATE**

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on \_\_\_\_\_, 2021, the Corporate Authorities of such municipality passed and approved Ordinance No. 21-\_\_-\_\_, entitled **“AN ORDINANCE AMENDING SECTION 1-4-6 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING REMOTE ATTENDANCE AT BOARD OF TRUSTEES MEETINGS”** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 21-\_\_-\_\_**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on \_\_\_\_\_, 2021 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this \_\_<sup>th</sup> day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Lori K. Romine, RMC/CMC  
Village Clerk