

**RECORDING  
NOT REQUIRED**

**Return to:**

Troy City Clerk  
116 E. Market Street  
Troy, Illinois 62294



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**ORDINANCE 2022-21**

AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE III, ADMINISTRATION,  
CHAPTER 31, CITY COUNCIL ORDINANCE OF THE TROY MUNICIPAL CODE

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**ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF TROY, ILLINOIS**

**THIS 6<sup>TH</sup> DAY OF JUNE 2022**

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**WHEREAS**, the City of Troy, Madison County, Illinois presently has in force the City Council Ordinance, which is contained in the Troy Municipal Code as Chapter 31; and

**WHEREAS**, a review of the City Council Ordinance was necessary to remove and replace items that no longer reflect the current methods and procedures of the City Council and to institute proposed changes; and

**WHEREAS**, the attached document includes all proposed amendments to Chapter 31 of the Troy Code of Ordinances, as listed below; and

**WHEREAS**, the City Council has duly considered the matter and has determined that the amendment reference herein conforms with current procedures and proposed objectives of the City, the Mayor, and the City Council; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the City Council of the City of Troy, Illinois that Title III Chapter 31 of the Troy Code of Ordinances be amended as follows:

SECTION 31.03: The specific times set for regular meetings of the council are removed.

Specified and advertised times will continue to be adhered to, and will continue to conform to the dictates of State Statute 5 ILCS 120, but will no longer be contained in the Code.

SECTION 31.06: The section, addressing approval and veto requirements of the Council, is revised to clarify its intent.

SECTION 31.10: Paragraph C of this section is amended, removing the requirement for a Council Review Session and a written request from “Citizen Participation” speakers to exceed the three-minute limitation. Additional time to speak only requires the approval of the Mayor.

SECTION 31.13: Reference to the Zoning Board of Appeals is changed to “Zoning Officer”.

SECTION 31.33:

Paragraph (A)(2): Regular City Council meeting start time is removed.

Paragraph (A)(2): New agenda item is added for “New Business”.

Paragraph (A)(2): Regular City Council meeting adjourn time is removed.

Paragraph (B): The paragraph is revised, disallowing a quorum to consider an item which is not on the agenda. Items not listed on the agenda can be addressed under “New Business”.

SECTION 31.36: Section is removed. Speakers are already addressed in Section 31.10.

**IT IS FURTHER ORDAINED** that, if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.

**IT IS FURTHER ORDAINED** that this Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall be published in pamphlet form by the authority of the City Council.

**PASSED** by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 6th day of June, 2022.

Aldermen:


Dan Dawson	<u>AYE</u>	Sam Italiano	<u>ABSENT</u>	Ayes:	<u>7</u>
Tim Flint	<u>AYE</u>	Debbie Knoll	<u>AYE</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>AYE</u>	Tony Manley	<u>AYE</u>	Absent:	<u>1</u>
Nathan Henderson	<u>AYE</u>	Troy Turner	<u>AYE</u>	Abstain:	<u>0</u>

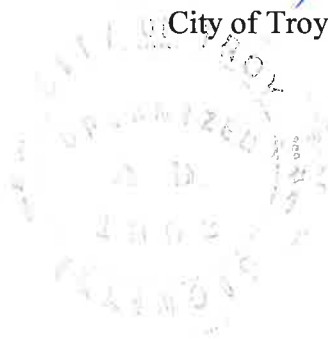
APPROVED:

By: 

DAVID NONN, Mayor  
City of Troy, Illinois

ATTEST:

By:   
KIMBERLY THOMAS, Clerk  
City of Troy, Illinois



### ***Membership; Actions; Committees***

- 31.01 Election of members; term of office
- 31.02 Powers and duties generally
- 31.03 Regular and adjourned meetings
- 31.04 Special meetings
- 31.05 Mayor to preside; deciding vote
- 31.06 Approval and veto of Council action
- 31.07 Reconsideration; passing over veto
- 31.08 Quorum
- 31.09 Vote required to pass ordinances, resolutions and motions
- 31.10 Citizen participation
- 31.11 Appointment of special committees
- 31.12 Membership in committees
- 31.13 Standing committees enumerated; actions

### ***Meetings***

- 31.30 Records of meetings
- 31.31 Disturbing meetings
- 31.32 Compensation
- 31.33 Order of business
- 31.34 Rescinded action
- 31.35 Resolutions
- 31.36 Addressing meetings
- 31.37 Suspension of rules of order
- 31.38 "Robert's Rules of Order"
- 31.39 Meetings open to the public
- 31.40 Executive sessions
- 31.41 Electronic attendance policy

### ***Statutory reference:***

*Election and term of Aldermen, see ILCS Ch. 65, Act 5, §§ 11-1-1 et seq.*

## **MEMBERSHIP; ACTIONS; COMMITTEES**

### **§ 31.01 ELECTION OF MEMBERS; TERM OF OFFICE.**

The Aldermen shall be elected and serve for a four-year term.

(1986 Code, § 2-76)

### **§ 31.02 POWERS AND DUTIES GENERALLY.**

(A) The City Council shall be the legislative branch of the city government and shall perform duties and have powers as may be authorized by state law.

(B) In addition, each Alderman shall:

(1) Act as the representative of the people of the ward from which elected;

(2) Act as chairperson of the standing committee or committees on which the Mayor has appointed him or her chairperson. As chairperson, he or she shall hold open and public meetings of his or her committee, after having first given the public notice thereof required by the Illinois Open Meetings Act, being ILCS Ch. 5, Act 120, §§ 1 *et seq.*, whenever business is before his or her committee. He or she shall cause minutes of the meetings to be kept and filed with the City Clerk, to allow public inspection thereof, within seven days after his or her committee approval of the minutes of those meetings. He or she shall present to the City Council, either verbally or in writing, the conclusions of his or her committee;

(3) Be an active participant on all other committees as assigned by the Mayor; and

(4) Make motions, second motions and vote so that the city's general business can be brought before the City Council and action taken. The Aldermen shall cast their votes in the alphabetical order of their surnames.

(1986 Code, § 2-77)

### **§ 31.03 REGULAR AND ADJOURNED MEETINGS.**

The regular meetings of the City Council shall be held on the first and third Monday of each month ~~at the hour of 7:30 p.m.; however, i~~ If the regular meeting falls on a legal holiday, the meeting shall take place on the next business day ~~at the same hour~~. Adjourned meetings may be held at any other times as the City Council may determine.

(1986 Code, § 2-78)

#### ***Statutory reference:***

*Similar provisions, see ILCS Ch. 5, Act 120, § 2.01; ILCS Ch. 65, Act 5, § 3.1-40-25*

### **§ 31.04 SPECIAL MEETINGS.**

Special meetings of the City Council may be called by the Mayor or three Aldermen if a written notice of the meeting is given to each member of the City Council at least 24 hours before the time set for the meeting. If all of the elected members of the City

Council are present at any special meeting, then the requirement of written notice shall be unnecessary and shall be deemed waived.

(1986 Code, § 2-79)

**Statutory reference:**

*Similar provisions, see ILCS Ch. 5, Act 120, § 2.02; ILCS Ch. 65, Act 5, § 3.1-40-25*

**§ 31.05 MAYOR TO PRESIDE; DECIDING VOTE.**

(A) The Mayor shall preside at all meetings of the City Council. The Mayor shall not vote on any ordinance, resolution or motion except:

(1) When the vote of the Aldermen has resulted in a tie;

(2) When one-half of the Aldermen elected have voted in favor of an ordinance, resolution or motion even though there is no tie vote; or

(3) When a vote greater than a majority of the corporate authorities is required by the Illinois Municipal Code to adopt an ordinance, resolution or motion.

(B) In the instances specified in division (A) above, the Mayor shall vote.

(C) Nothing in this section shall deprive an acting Mayor or Mayor Pro Tem from voting in his or her capacity as Alderman, but he or she shall not be entitled to another vote in his or her capacity as acting Mayor or Mayor Pro Tem.

(1986 Code, § 2-80)

**Statutory reference:**

*Similar provisions, see S.H.A. ILCS Ch. 65, Act 5, § 3.1-40-30*

**§ 31.06 APPROVAL AND VETO OF COUNCIL ACTION.**

All resolutions and motions which create any liability against the city or provide for the expenditure or appropriation of its money, or provide for the sale of city or school property, and all ordinances passed by the City Council shall be deposited with the City Clerk. If the Mayor approves of them, he or she shall sign them. Those ~~of which the Mayor~~ he or she disapproves ~~he or she shall be returned~~ within five business days, no later than the next regular meeting of the City Council occurring not less than five days after their passage. The Mayor may disapprove of any one or more sums appropriated in any ordinances, resolution or motion making an appropriation, and if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution or motion making an appropriation. If the Mayor fails to return any ordinance, ~~or any specified~~ resolution or motion with his or her written objections, within the designated time, it shall become effective despite the absence of his or her signature.

(1986 Code, § 2-81)

**Statutory reference:**

*Similar provisions, see S.H.A. ILCS Ch. 65, Act 5, § 6-4-2*

### **§ 31.07 RECONSIDERATION; PASSING OVER VETO.**

Every resolution and motion specified in the preceding § 31.06, and every ordinance which is returned to the City Council by the Mayor, shall be reconsidered by the City Council at its next regular meeting. If, after such reconsideration, two-thirds of all the Aldermen elected to the City Council shall agree to pass an ordinance, resolution or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal.

(1986 Code, § 2-82)

#### ***Statutory reference:***

*Similar provisions, see S.H.A. ILCS Ch. 65, Act 5, § 3.1-40-50*

### **§ 31.08 QUORUM.**

A majority of the Aldermen, or the Mayor and one-half of the Aldermen, shall constitute a quorum of the City Council to do business. This definition of a quorum, however, does not change the vote required by any other section of this code of ordinances or by any section of the Illinois Municipal Code for the passage of an ordinance, resolution or motion.

(1986 Code, § 2-83)

#### ***Statutory reference:***

*Similar provisions, see S.H.A. ILCS Ch. 65, Act 5, § 4-5-12*

### **§ 31.09 VOTE REQUIRED TO PASS ORDINANCES, RESOLUTIONS AND MOTIONS.**

(A) The passage of all ordinances for whatever purpose shall require the concurrence of a majority of the corporate authorities then holding office, unless otherwise expressly provided by the Illinois Municipal Code, by any other statute governing the passage of any ordinance, or by any other provision of this code of ordinances.

(B) The passage of all resolutions and motions which create any liability against the city or which provide for the expenditure or appropriation of the city's money shall require the concurrence of a majority of the corporate authorities then holding office, unless otherwise expressly provided by the Illinois Municipal Code, by any other statute governing the passage of any resolution or motion, or by any other provision of this code of ordinances.

(C) Other resolutions and motions (that is, those which do not create any liability against the city and which do not provide for the expenditure or appropriation of the city's money) may be passed by a majority of a quorum of the City Council, unless their purpose is one which is described in the table set forth in division (D) below.

(D) Ordinances, resolutions and motions which require, for their passage, a vote different from a majority of the corporate authorities then holding office include those that are set forth in the following table for the assistance of the City Council, to guide it in its deliberations. In that table, the term "Aldermen" refers to the Aldermen only and does not include the Mayor; the terms "corporate authorities" and "City Council" include all the Aldermen and the Mayor. The table does not address the question of when an ordinance, as opposed to a resolution or motion, is required to accomplish a particular purpose.

<b>Statutory Reference ILCS Ch. 65, Act 5</b>	<b>Purpose</b>	<b>Vote Required</b>
<b>Statutory Reference ILCS Ch. 65, Act 5</b>	<b>Purpose</b>	<b>Vote Required</b>
§ 1-2-4	To make ordinance imposing fine, penalty or forfeiture effective immediately rather than 10 days after publication	2/3 corporate authorities
§ 3.1-20-40	To provide for the election, rather than the appointment, of City Collector, Marshal, Director of Public Works, Corporation Counsel or Comptroller	2/3 Aldermen
§ 3.1-30-5	To provide for the appointment, rather than the election, of City Collector, Marshal, Director of Public Works, Corporation Counsel or Comptroller	2/3 Aldermen
§ 3.1-40-40	To sell school property	3/4 Aldermen
§ 3.1-40-50	To pass, over the Mayor's veto, any ordinance, resolution or motion which requires the Mayor's approval in order to become effective	2/3 Aldermen
§ 8-1-6	To make appropriations in addition to the annual appropriation ordinance for the purpose of making improvements or restorations, the necessity for which is caused by any casualty or accident happening after the annual appropriation ordinance is passed, or to make additional appropriations necessary to meet any "emergency" (which concerns only immediate dangers to public health or safety) happening after and unforeseen at the time of passing the annual appropriation ordinance	2/3 corporate authorities
§ 8-1-7	To employ or retain professional services necessary for planning and financing a needed public work, even though the annual appropriation ordinance did not contain an appropriation to pay for the services	2/3 corporate authorities



§ 8-2-9	To make transfers, during the second half of a fiscal year, within or between municipal departments, of sums of money appropriated for one object or purpose to another object or purpose	2/3 corporate authorities
§ 8-9-1	To authorize letting of contracts for any work or other public improvement, the expense of which will exceed \$4,000, without bids	2/3 Aldermen
§ 8-9-1	To authorize City Administrator to construct any work or other public improvement with laborers employed by the city, with all material of the value of \$4,000 and upward used in the construction of the work or other public improvement to be purchased by contract let to the lowest responsible bidder in the manner prescribed by ordinance	2/3 Aldermen
§ 11-13-14	To amend zoning regulations or districts over written protest of 20% of designated landowners	2/3 Aldermen
§ 11-14-3	To amend setback requirements in zoning ordinance	2/3 City Council
§ 11-15.1-3	To approve annexation agreement	2/3 corporate authorities
§ 11-74-6	To authorize issuance of industrial project revenue bonds	3/5 corporate authorities
§ 11-76-1	To sell or lease out real estate owned by the city	3/4 corporate authorities
§ 11-76-2		
§ 11-76-4	To authorize sale, trade in or change into other useful form of personal property owned by the city	3/4 corporate authorities
§ 11-76.1-1	To purchase or acquire by lease real or personal property pursuant to installment contracts not exceeding 20 years in duration	2/3 corporate authorities
§ 11-76.1-1	To purchase or acquire by lease real or personal property pursuant to contracts containing lease-purchase provisions	2/3 corporate authorities
§ 11-91-1	To vacate any public street or alley	3/4 Aldermen

(1986 Code, § 2-83.1) (Ord. 1991-02, passed 2-4-1991; Ord. 2012-10, passed 8-6-2012)

### **§ 31.10 CITIZEN PARTICIPATION.**

The participation of citizens at City Council meetings shall be accomplished as follows:

- (A) Through their Aldermen;
- (B) Through a Council committee;
- (C) By participation during the "Citizen Participation" portion of the Regular City Council meetings, limited to three minutes per citizen, unless granted additional time by

the Mayor ~~during the Council's Review Session after providing a written request to the Mayor and City Clerk;~~

(D) By participation during the approval of ordinances and resolutions, limited to three minutes per citizen, with comments directed to the Council as a whole (not directed at any individual Council member) and directed strictly to the item under discussion.

(E) Each citizen who addresses the Council during a review session or regular City Council meeting is directed to sign the citizen participation register that can be found on the front podium, as well as to print their name and any group or organization to which they are affiliated (if relevant to the topic of their discussion). Citizens will be asked by the Mayor to state their name, as well as affiliation (if relevant), prior to their discussion.

(F) The City Council's policy is to recognize the vital necessity of obtaining comments from citizens and, therefore, citizens are asked to make a concise statement of opinions and not to try to establish a dialogue with Council Members. The purpose of this policy is to prevent lengthy digressions and to give all citizens who desire to speak an opportunity to do so. Citizens who wish to establish direct dialogue with an Alderman or Staff are encouraged to direct questions to them outside of formal Council meetings.

(G) Groups or organizations who wish to address the Council are encouraged to choose a spokesperson from the group to address the Council. Additional time for presentation can be requested by a group by contacting the Mayor and City Clerk and requesting (in writing) additional time during a Council review session.

(1986 Code, § 2-84) (Ord. 2013-07, passed 7-15-2013; Ord. 2014-18, passed 10-20-2014)

### **§ 31.11 APPOINTMENT OF SPECIAL COMMITTEES.**

The Mayor shall appoint any special committees as he or she may deem necessary or as may be directed by the City Council.

(1986 Code, § 2-85)

### **§ 31.12 MEMBERSHIP IN COMMITTEES.**

(A) The Mayor shall appoint the members of all standing and special committees, in the absence of specific direction by the City Council, and shall designate the chairperson and vice chairperson of each committee.

(B) Every committee of the City Council shall consist of four members, including a chairman and vice chairman, unless the City Council shall provide otherwise.

(1986 Code, § 2-86) (Ord. 2015-13, passed 5-4-2015)

### **§ 31.13 STANDING COMMITTEES ENUMERATED; ACTIONS.**

The following shall constitute the standing committees of the City Council. The following statements of duties shall be construed as generally descriptive and are not intended to limit or extend areas of responsibility for any committee:

(A) Administrative and Community Services. The Administrative and Community Service Committee provides a liaison between the Council and ~~the Zoning Officer, many of the city's boards and commissions, including~~ the Planning Commission, ~~Zoning Board of Appeals~~ and ~~the~~ Historic Preservation Commission. The Committee also has certain oversight responsibilities specifically related to the Building and Zoning Department. Other duties of this Committee include oversight of matters pertaining to the administrative office, personnel, employment contracts, collective bargaining, and municipal property and building maintenance.

(B) Finance and Economic Development. The Finance and Economic Development Committee generally oversees all matters of purchasing, spending, bonding, taxing and other financial issues including the budget process. Major expenditures are often screened in advance by the Finance Committee even if the expenses have already been approved through the budget. Additionally, the Committee will provide counsel and oversight to the Economic Development and Tourism Coordinator, and provide liaison to the Economic Development Commission.

(C) Law Enforcement and Emergency Services. The Law Enforcement and Emergency Services Committee oversees matters related to the Police Department and emergency medical and disaster preparedness powers of the municipality. This Committee is charged with suggesting effective and efficient improvements in the operations of the respective operations including, but not limited to personnel levels. Although they have no influential authority in board decisions, the Committee serves as a liaison to the city's Board of Police Commissioners and Police Pension Board. Those independent boards are charged by Illinois law with hiring, disciplining and promoting law enforcement officers and ensuring a solvent pension program for retired officers.

(D) Public Works. The Public Works Committee is generally charged with overseeing the operations of the city's water, wastewater and street maintenance functions, including streets, sidewalks, right-of-way maintenance, storm water drainage, traffic and street signs, fleet maintenance, water and sewer infrastructure, street cleaning, and snow and ice removal.

(1986 Code, § 2-87) (Ord. 1995-09, passed 3-6-1995; Ord. 1995-16, passed 5-16-1995; Ord. 1997-19, passed 5-5-1997; Ord. 2007-21, passed 12-3-2007; Ord. 2012-10, passed 8-6-2012; Ord. 2013-02, passed 5-6-2013; Ord. 2015-13, passed 5-4-2015)

## MEETINGS

### § 31.30 RECORDS OF MEETINGS.

The City Clerk shall keep the minutes and records of the City Council proceedings.

(1986 Code, § 2-89)

### § 31.31 DISTURBING MEETINGS.

It shall be unlawful to disturb any meeting of the City Council or of any committee thereof, or to behave in a disorderly manner at any meeting.

(1986 Code, § 2-90) Penalty, see § 10.99

### **§ 31.32 COMPENSATION.**

(A) The Mayor shall receive as his or her compensation for the performance of his or her duties the amount of \$15,000 annually for the 12-month period beginning May 1, 2021 through April 30, 2022. Thereafter, the compensation paid to the Mayor for the performance of his or her duties shall remain the same, without any annual increments, for the periods of May 1, 2022 through April 30, 2023; May 1, 2023 through April 30, 2024; and May 1, 2024 through April 30, 2025. The Mayor's salary shall be paid to the Mayor in 12 equal monthly installments.

(B) The Mayor shall be reimbursed for expenses incurred by him or her in attending committee meetings of the City Council and for other expenses incurred by him or her when in the course of his or her duties as Mayor.

(C) An Alderman shall receive as compensation for the performance of his or her duties the amount of \$7,500 annually for the 12-month period beginning May 1, 2021 through April 30, 2022. Thereafter, the compensation paid to an Alderman for the performance of his or her duties shall remain the same, without any annual increments, for the periods of May 1, 2022 through April 30, 2023; May 1, 2023 through April 30, 2024; and May 1, 2024 through April 30, 2025. An Alderman's salary shall be paid to the Alderman in 12 equal monthly installments.

(D) An Alderman shall be reimbursed for expenses incurred by him or her in attending committee meetings of the City Council and for other expenses incurred by him or her when in the course of his or her duties as Alderman.

(1986 Code, § 2-91) (Ord. 1985-2, passed 1-27-1985; Ord. 1989-06, passed 1-24-1989; Ord. 1993-01, passed 1-18-1993; Ord. 1993-02, passed 1-18-1993; Ord. 1996-32, passed 10-7-1996; Ord. 2000-25, passed 10-23-2000; Ord. 2004-23, passed 9-7-2004; Ord. 2008-19, passed 10-9-2008; Ord. 2012-17, passed 9-17-2012; Am. Ord. 2016-27, passed 9-19-2016; Am. Ord. 2020-19, passed 9-8-2020)

### **§ 31.33 ORDER OF BUSINESS.**

(A) (1) An agenda, following the order of business outlined below, for each regular meeting of the City Council shall be prepared by 4:30 p.m. Friday immediately prior to the regular meeting:

(2) Regular City Council meeting, ~~to be convened at 7:30 p.m.:~~

- (a) Call to Order and Pledge of allegiance;
- (b) Roll call in alphabetical order;
- (c) Reading and approval of minutes;
- (d) Communications, to be provided by the City Clerk;
- (e) Citizen participation, limited to three minutes per person;
- (f) Mayor's comments;
- (g) City Administrator and City Attorney comments;

(h) Consent Agenda, including administrative reports and other items to be voted collectively with one roll call vote;

(i) Administrative and Community Services Committee report, including a report from the Building and Zoning Administrator;

(j) Finance and Economic Development Committee report, including a report from the City Treasurer, as well as bills to be paid (on a monthly basis), and a report from the Economic Development and Tourism Coordinator;

(k) Law Enforcement and Emergency Services Committee report, including a report from the Chief of Police;

(l) Public Works Committee report, including a report from the Director of Public Works and the Public Works Department Schedule and Report;

(m) Reports of Special Committees (as needed);

(n) Ordinances and Resolutions, called by the City Clerk, with citizen participation limited to three minutes per person;

(o) New Business

(op) Closed Session, if needed;

(pq) Adjournment, ~~no later than 9:30 p.m.~~

(B) In preparing the agenda for a regular meeting, the items to be considered under each portion of the order of business shall be listed. Any item which is not **specifically** listed on the agenda shall not be considered at the regular meeting. ~~unless a majority of the quorum agrees to consider the item at that meeting. This vote to consider a topic does not change the vote required by any other section of this code or by any section of the Illinois Municipal Code for the passage of any other motion, resolution or ordinance.~~

(C) The City Council may, upon a majority of the quorum concurring, agree to alter the order of business for that meeting.

(1986 Code, § 2-92) (Ord. 1995-05, passed 2-20-1995; Ord. 1997-19, passed 5-5-1997; Ord. 2012-08, passed 7-15-2013; Ord. 2014-19, passed 10-20-2014; Ord. 2015-12, passed 5-4-2015)

**Statutory reference:**

*Similar provisions, see ILCS Ch. 65, Act 5, § 3.1-40-15*

**§ 31.34 RESCINDED ACTION.**

No vote or action of the City Council shall be rescinded at any special meeting unless there be present at such special meeting as many Aldermen as were present at the meeting when the vote or action was taken.

(1986 Code, § 2-93)

**Statutory reference:**



*Similar provisions, see ILCS Ch. 65, Act 5, § 3.1-40-55*

### **§ 31.35 RESOLUTIONS.**

Any resolution submitted to the City Council shall be reduced to writing before being voted upon, at the request of any two members of the Council.

(1986 Code, § 2-94)

### **§ 31.36 ADDRESSING MEETINGS.**

~~—No person other than the Mayor or a member of the City Council shall address the City Council at any regular or special meeting of the Council except upon consent of a majority of the members present. A person shall be considered to have obtained such consent if his or her name has been placed on the meeting's agenda in accordance with § 31.10.~~

(1986 Code, § 2-95)

### **§ 31.37 SUSPENSION OF RULES OF ORDER.**

The rules of order, other than those prescribed by state law, may be suspended at any time by consent of a majority of the members of the City Council present at any meeting.

(1986 Code, § 2-96)

### **§ 31.38 "ROBERT'S RULES OF ORDER."**

Except when in conflict with the provisions of this subchapter, *Robert's Rules Of Order* shall govern the deliberations of the City Council.

(1986 Code, § 2-97)

### **§ 31.39 MEETINGS OPEN TO THE PUBLIC.**

All meetings of the City Council shall be open to the public in accordance with state law.

(1986 Code, § 2-98)

#### ***Statutory reference:***

*Similar provisions, see ILCS Ch. 5, Act 120, §§ 1.01 et seq.*

### **§ 31.40 EXECUTIVE SESSIONS.**

(A) The City Clerk shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the city or any subsidiary "public body," as defined by the Illinois Open Meetings Act, ILCS Chapter 5, Act 120, §§ 1 *et seq.* The verbatim record shall be in the form of an audio or video recording as determined by the Mayor and City Council.

(B) The City Clerk shall be responsible for recording the closed or executive sessions. In the absence of the City Clerk, the meeting Chair will arrange for the

recording of the closed or executive session. The City Clerk shall maintain the verbatim recordings of all closed sessions of the City Council and all subsidiary public bodies of the city.

(C) In addition to the recordings of the closed or executive sessions, the City Clerk shall keep minutes of all closed meetings in accordance with the Open Meetings Act, ILCS Chapter 5, Act 120, §§ 1 *et seq.*

(D) Review of closed or executive session minutes must be completed every six months. Minutes shall be reviewed in closed or executive session and shall not be released unless the City Council finds that it is no longer necessary to protect the public interest or the privacy of an individual by keeping it confidential. Minutes of closed or executive sessions shall be kept indefinitely.

(E) The audio recordings of closed or executive sessions shall be maintained for 18 months after the closed or executive session occurred and shall not be released to the public unless such a release is required by a court order or specifically authorized for release by a vote of the City Council. Members of the City Council may listen to the closed or executive session recordings in the presence of the City Clerk. Copies of such recordings will not be made or provided to anyone unless specifically authorized by the City Council.

(F) The City Clerk is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

(1) The City Council have approved the minutes of the closed or executive sessions whether the minutes have been released or not;

(2) More than 18 months have passed since the date of the closed or executive session;

(3) There is no court order requiring the preservation of such recordings; and

(4) The City Council has not passed a motion requiring the preservation of the verbatim recording of that meeting.

(Ord. 2013-12, passed 9-16-2013)

### **§ 31.41 ELECTRONIC ATTENDANCE POLICY.**

(A) *Policy statement.* It is the policy of the City Council that any member of the City Council may attend and participate in any meeting of the Council by "other means" defined as, by video or audio conference, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) *Prerequisites.* A member of the City Council may attend a meeting electronically, by other means, if the member meets the following conditions:

(1) A quorum of the Council is physically present throughout the meeting; and, at least five affirmative votes of the members of the corporate authority physically present, votes to approve the electronic attendance of the meeting.

(2) The Council member requesting to attend remotely should notify the City Clerk at least 24 hours before the meeting 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.

(3) The member must assert one of the following three reasons why he or she is unable to physically attend the meeting:

(a) The member cannot attend because of personal illness or disability; or

(b) The member cannot attend because of employment purposes or the business of the Council; or

(c) The member cannot attend because of a family or other emergency.

(4) At the meeting, the City Clerk shall inform the Council Members physically present of the request for electronic attendance.

(C) *Voting procedures.* After a roll call establishing that a quorum of at least five corporate members are physically present, the Mayor shall call for a motion, that a Council member may be permitted to participate electronically after specifying the reason entitling the absent member to participate electronically. All of the Council members physically present are permitted to vote on whether electronic attendance will be allowed. The motion must be approved by at least five members of the corporate authority that are physically present.

(D) *Adequate equipment requirement.* The Council member participating electronically, and all other members of the Council must be able to communicate effectively, and members of the audience attending the meeting must be able to hear all communications. Before approving electronic attendance at any meeting, the City Council shall provide equipment adequate to accomplish this objective.

(E) *Minutes.* Any member participating electronically shall be considered an off-site participant and counted as present electronically for that meeting if the member is allowed to participate. The meeting minutes shall also reflect and state specifically whether each member is physically present or by electronic means.

(F) *Rights of remote member.* A member permitted to participate 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. 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 City Clerk and placed in the minutes for the corresponding meeting. A member participating 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.

(Res. 2020-06, passed 3-16-2020)