



**THE VILLAGE OF SAUK VILLAGE  
COOK COUNTY, ILLINOIS**

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**ORDINANCE  
NUMBER 20-013**

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**AN ORDINANCE  
ESTABLISHING OPEN MEETINGS ACT REMOTE ATTENDANCE &  
DISASTER REMOTE MEETING POLICIES.**

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**TRUSTEES**

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**ORDINANCE NO. 20-013**

**AN ORDINANCE ESTABLISHING OPEN MEETINGS ACT REMOTE ATTENDANCE & DISASTER  
REMOTE MEETING POLICIES**

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**WHEREAS**, the Village of Sauk Village, State of Illinois (the "Village") is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

**WHEREAS**, the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*, permits attendance at meetings by means other than physical presence, 5 ILCS 120/7; and

**WHEREAS**, regardless as to whether a local or statewide disaster has been declared, Section 7 of the Illinois Open Meetings Act requires a public body to adopt rules that conform to the requirements and restrictions provided therein in order to permit attendance by means other than physical presence; and

**WHEREAS**, on March 9, 2020, Governor JB Pritzker issued a Gubernatorial Disaster Proclamation for the entire State of Illinois as a result of the COVID-19 Pandemic; and

**WHEREAS**, on March 16, 2020, Governor JB Pritzker issued Executive Order 2020-07 in response to the COVID-19 Pandemic; and

**WHEREAS**, Executive Order 2020-07 suspends the in-person attendance requirement for members of the public body and allows for remote participation, and, if a meeting is necessary, the Executive Order provides that public bodies are encouraged to provide video, audio, and/or telephonic access to maintain openness and transparency to members of the public, and the

Village of Sauk Village has made every effort to operate necessary meetings that must be held in that capacity; and

**WHEREAS**, on March 20, 2020, Governor JB Pritzker issued Executive Order 2020-10 in response to the significant and growing outbreak of COVID-19, which was extended and modified May 1, 2020 by Executive Order 2020-32 and bans public gatherings of ten (10) persons and generally mandates that individuals “stay at home or at the place of residence” except as allowed by the Executive Order; and

**WHEREAS**, on April 1, 2020, Governor JB Pritzker issued a second Gubernatorial Disaster Proclamation and, on April 30, 2020, the Governor issued a third Gubernatorial Disaster Proclamation, for the entire State of Illinois as a result of the continued, exponential spread of COVID-19; and

**WHEREAS**, on May 29, 2020, Governor JB Pritzker issued a fourth Gubernatorial Disaster Proclamation for the entire State of Illinois as a result of the continued, albeit slowing, spread of COVID-19; and

**WHEREAS**, the Governor’s Executive Order 2020-33, issued April 30, 2020, extended the effective period for both Executive Order 2020-07 through May 29, 2020, and Executive Order 2020-39, issued May 29, 2020, continued Section 6 of Executive Order 2020-07 regarding the Illinois Open Meetings Act through June 27, 2020 or until corresponding legislation (Senate Bill 2135) is enacted and takes effect, whichever occurs first; and

**WHEREAS**, the 101<sup>st</sup> General Assembly of the State of Illinois has passed Senate Bill 2135, which, *inter alia*, makes certain amendments to the Illinois Open Meetings Act to provide for the holding of remote meetings without the physical presence of a quorum of the members of the

public body during a period of declared disaster for the area in which the public body is located;  
and

**WHEREAS**, the Governor of the State of Illinois is imminently expected to sign Senate Bill 2135, which would then become effective immediately; and

**WHEREAS**, Section 12 of the May 29, 2020 Gubernatorial Disaster Proclamation finds, pursuant to Senate Bill 2135 (101st General Assembly), Article 15, Section 15-5, amending the Illinois Open Meetings Act and adding new section 5 ILCS 120/7(e), and, for the purposes of the new Section 7(e)(4), the Governor finds that the public health concerns at issue in the disaster proclamation render in-person attendance of more than ten (10) people at the regular meeting location not feasible; and

**WHEREAS**, the current COVID-19 Pandemic and related Gubernatorial Disaster Proclamations and Executive Orders require modifications to public meetings to mitigate the exponential spread of the virus and the Village seeks to have the proper mechanisms in place in order to ensure continued compliance with the Illinois Open Meetings Act, State restrictions on the size and manner of public gatherings, and to ensure no interruption to the provision of essential Village services; and

**WHEREAS**, the Mayor and Board of Trustees find that it is in the best interests of the Village to enact a policy to provide for remote meetings and remote attendance at meetings during all circumstances permitted by the Illinois Open Meetings Act and any other applicable law or regulation, as may be amended, implemented, or modified from time to time.

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

**SECTION 1:** The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made part hereof, as if fully set forth in their entirety.

**SECTION 2:** The Village of Sauk Village hereby approves and enacts the following

Remote Attendance Policy:

**REMOTE ATTENDANCE POLICY**

**I. Purpose**

The purpose of this Policy is to allow members of the Board of Trustees of the Village of Sauk Village to attend and participate in open meetings of the Board of Trustees by video or audio means as authorized by Section 7(a) through (d) of the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*, subject to the rules and limitations applicable to such attendance and participation as set forth in this Policy.

This Policy shall not apply when a Remote Meeting is held pursuant to Section 7(e) of the Illinois Open Meetings Act (if and when enacted) and the Village's rules and policies implementing and governing same.

**II. Definitions**

"Act" means the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*

"Trustee" means one of the six members of the Board of Trustees elected residents of Sauk Village

"Village" means Village of Sauk Village.

"Clerk" means the Village Clerk elected pursuant to Article 3.1 of the Code.

"Code" means the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*

"Mayor" means the Mayor of the Village of Sauk Village, Cook County, State of Illinois, as defined by Article 3.1 of the Code.

"Meeting" means any open meeting of the Board of Trustees that is subject to the Act.

"Policy" means this Remote Attendance Policy and any modifications that may be approved from time to time.

"Qualifying Event" means: (i) personal illness or disability; (ii) employment purposes or the business of the Village; or (iii) a family or other emergency.

"Remote Means" means video or audio conference only.

### **III. Remote Attendance Permitted**

Subject to the limitations set forth in Sections IV and V below, a member of the Board of Trustees may attend any Meeting by Remote Means if the member is prevented from physically attending the Meeting because of a Qualifying Event.

### **IV. Restrictions on Remote Attendance**

- (a) No member of the Board of Trustees may attend any portion of a Meeting by Remote Means unless:
  - (i) a quorum of the Board of Trustees is physically present at the Meeting; and
  - (ii) he or she provides written notice to the Village Clerk specifying the Qualifying Event at least one hour prior to the Meeting at the Village's principal office (if the Village Clerk seeks to attend a meeting remotely, he or she shall be required to notify the Mayor as provided herein); and
  - (iii) the Remote Means being utilized is fully functional so as to allow all members of the Board of Trustees and any member of the audience to hear all communications taking place at the Meeting. Before allowing any remote attendance of any meeting, adequate equipment to accomplish this objective shall be secured by the Board of Trustees at the meeting site.
- (b) No member of the Board of Trustees may attend a Meeting by Remote Means for any reason other than a Qualifying Event.
- (c) For the purposes of this section, "written notice" shall include E-Mail correspondence with read receipt requested.

### **V. Rules of Procedure When Remote Attendance Utilized**

- (a) When any member of the Board of Trustees attends any portion of a Meeting by Remote Means as permitted by this Policy:
  - (i) the minutes of the Meeting shall so reflect that such member attended the Meeting by Remote Means; and

- (ii) every member of the Board of Trustees shall be identified during all Board discussions so that each member is aware of which member of the Board of Trustees is speaking at all times.
- (b) A member of the Board of Trustees attending a Meeting by Remote Means shall:
  - (i) Be permitted to fully participate in the Meeting as if he or she were physically present, subject to subsection (iv) below, and to the Board of Trustee's guidelines and procedures for conducting the Meeting; and advise the Village Clerk and Board of Trustees if he or she leaves or returns from the Meeting;
  - (ii) Not allow any other persons in the same room as such member attending by Remote Means;
  - (iii) Not be permitted to conduct or preside over a meeting; and
  - (iv) Not participate in or observe a closed session.

**VI. Applicability**

If any provision of this Policy conflicts with any provision of the Act, the provisions of the Act shall prevail.

**VII. Effective Date**

This Policy becomes effective upon adoption of the Ordinance by a majority vote of the Board of Trustees and upon approval by the Mayor.

**VIII. Availability of Policy**

The Policy shall remain on file together with the Ordinance of the Board of Trustees approving this Policy.

**IX. Amendments**

At any time, this Policy may be amended by a majority vote of the Board of Trustees and subsequent approval by the Mayor.

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**SECTION 3:** The Village of Sauk Village hereby approves and enacts the following Disaster Remote Attendance Policy:

**DISASTER REMOTE MEETING POLICY**

**I. Purpose**

The purpose of this Policy is to govern the procedure by which the Village of Sauk Village may conduct open or closed meetings by audio or video conference, without the physical presence of a quorum of the Board of Trustees, when circumstances warrant and only as authorized by Section 7(e) of the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*

To the extent that this Policy and rules conflict with any other rule of the Board of Trustees, this Policy will control during a Disaster and while this Policy is activated. This Policy hereby applies to all subsidiary boards, committees, and commissions unless and until such boards, committees, and commissions adopt their own rules for remote meetings or hearings held during a Disaster and and/or pursuant to Section 2.06(g) and Section 7(e), when and if enacted, of the Illinois Open Meetings Act.

**II. Definitions**

“Act” means the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*

“Trustee” means one of the six members of the Board of Trustees elected residents of Sauk Village

“Clerk” means the Village Clerk elected pursuant to Article 3.1 of the Code.

“Village” means Village of Sauk Village.

“Code” means the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*

“Disaster” means: An event where the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area.

“Mayor” means the Mayor of the Village of Sauk Village, Cook County, State of Illinois, as defined by Article 3.1 of the Code.

“Meeting” means any open meeting of the Board of Trustees that is subject to the Act.

“Policy” means this Disaster Remote Meeting Policy and any modifications that may be approved from time to time.

“Remote Means” means video or audio conference only.

### **III. Activation of Remote Meetings Policy**

Open or Closed Meetings held by Remote Means, without the physical presence of a quorum of the Board of Trustees, may be held when the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area.

Upon such a declaration by the Governor or the Director of the Illinois Department of Public Health, the Mayor may determine that an in-person meeting or meeting conducted under the Illinois Open Meetings Act is not practical or prudent because of the disaster and may activate this Policy. Said determination shall include any specific modifications or requirements related to in-person meeting attendance as discussed further herein. Any subsequent modifications that may be necessary during the period of the Disaster may be declared by the Mayor from time to time. The Board of Trustees may approve, by resolution, modifications to conducting meetings under this Policy subject to the limitations of the Act and parameters of this Policy.

Once this Policy is activated, the Board of Trustees shall convene Open and Closed Meetings subject to the parameters of this Policy and the Act for the period of the Disaster unless the Mayor earlier determines that there no longer remains a need for its activation.

### **IV. Disaster Remote Meeting Procedures**

When this Policy is activated pursuant to the above Section III, meetings shall be held as follows:

1. At least one member of the Board, the Mayor, the Village Attorney, or Chief Administrative Officer must be physically present at the regular meeting location. The Mayor shall determine the official required to physically attend the meeting. All other Trustees may participate remotely in Board Meetings. The Mayor may order some or all Trustees to participate remotely. However, the Mayor may declare, or Board of Trustees may resolve, that physical attendance is unfeasible due to the disaster. The Mayor or Board are not precluded from determining a specific limit on the number of people allowed to physically attend a meeting. Such determination may be changed from time to time during the Disaster period when this Policy is activated as the Mayor and Board of Trustees may deem necessary and proper.

2. Meetings shall comply with any parameters or orders required by the Disaster declaration, any executive orders, rules, regulations, or any other relevant law.
3. All members of the Board of Trustees participating at a meeting, wherever their physical location, must be verified and shall confirm that they are able to hear all other participants, all discussion, and any testimony prior to the Meeting commencing. The platform for remote or electronic attendance and participation at the Village Board meeting will be arranged in advance by the Mayor or his/her designee at least 48 hours prior to the commencement of the meeting.
4. Each member of the body participating in a meeting by audio or video conference for a meeting held pursuant to this Section is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.
5. All votes conducted while this Policy is activated shall be by roll call with each Trustee's vote on each issue identified and recorded. No voice-votes for routine, procedural motions or otherwise are allowed.
6. A verbatim record, in the form of an audio or video recording, shall be kept of both Closed and Open Meetings conducted while this Policy is activated. Verbatim records of Open meetings shall be made available to the public and all verbatim records remain subject to Section 2.06 of the Act. In addition to a verbatim record, minutes shall be kept and approved by the Board of Trustees as is done for any other Open or Closed meeting.
7. When circumstances warrant and allow one or more Village official to be physically present at the regular meeting location, the following rules shall apply:
  - a. The number of persons admitted to physically attend an Open Meeting may be limited based on the nature of the Disaster and any such limitations shall be stated on the Meeting Notice as discussed herein.
  - b. The first persons to be admitted to Village of Sauk Village Board Meetings will be its elected and appointed officers choosing or otherwise required to attend in person. If the in-person attendance maximum is not met, the next person(s) to be admitted shall be one member of the Associated or Local Press. To ensure eligibility for entry, the member of the Press must email Village Clerk, Marva Campbell-Pruitt, at [Mcampbell-pruitt@saukvillage.org](mailto:Mcampbell-pruitt@saukvillage.org). The first email received will determine the Press member admitted to any Village of Sauk Village Board meeting held during the Disaster period where this Policy is in place. Thereafter, if the in-person attendance maximum is not met, members of the public shall be admitted. Admittance will be determined by which member of the public emails Village Clerk, Marva Campbell-Pruitt, at [Mcampbell-pruitt@saukvillage.org](mailto:Mcampbell-pruitt@saukvillage.org) and requests admittance on a first-come, first-

- serve basis. If no person requests admittance via email, admittance shall be granted on a first-come, first serve basis.
- c. At the meeting, persons attending in-person shall comply with any applicable health or other requirements that may be ordered.
  - d. Members of the public attending in-person at the regular meeting location of the Village must be able to hear all discussion and testimony and all votes of the Board of Trustees.
8. When in-person attendance at the regular meeting location is not feasible, in whole or in part, due to the disaster, the Village shall make alternative arrangements, and provide notice of such alternative arrangements on the Meeting Notice, as discussed herein, whereby the members of the public must be able to contemporaneously hear all discussion, testimony, and roll call votes. Such alternative access may include, but is not limited to, offering an alternative physical location with a video and audio feed of the meeting, a telephone conference number, or a web-based access link.
  9. In addition to providing any in-person comments, any person desiring to make public comment may also email their public comment to the Village Clerk, Marva Campbell-Pruitt, at [Mcampbell-pruitt@saukvillage.org](mailto:Mcampbell-pruitt@saukvillage.org) by 3:00 p.m. on the day upon which the Board of Trustees holds a meeting during the time when this Policy is activated. Public Comments received by email will be read during the public comment section and will be noted in the meeting minutes. Emailed public comments must be limited to 200 words, must identify the commenter, and are limited to one (1) comment per person. If the remote meeting platform allows for live public comment, then the rules applicable to public comment with respect to length and number of comments shall be applicable thereto. Nothing herein shall allow members of the public to speak, interrupt the proceedings, or otherwise attempt to conduct Village business unless otherwise recognized and allowed by the Board of Trustees.
  10. All persons unable to attend a meeting in-person or by the alternative arrangement, and who desire to know if action was taken on an agenda item by the Mayor and Board of Trustees for the Village of Sauk Village may contact Village Clerk, Marva Campbell-Pruitt, at [Mcampbell-pruitt@saukvillage.org](mailto:Mcampbell-pruitt@saukvillage.org) the following day or thereafter.
  11. Except in the event of a bona fide emergency, 48 hours' notice shall be given of a meeting to be held pursuant to this Policy. Notice shall be given to all members of the public body, shall be posted on the website of the public body, and shall also be provided to any news media who has requested notice of meetings pursuant to subsection (a) of Section 2.02 of the Act. The Meeting Notice shall include any

modifications and/or restrictions to public attendance, shall include any alternative arrangements to access the meeting, shall include the information concerning submission of public comments, and shall include any and all such other rules or modifications to the meeting rules as determined by the Mayor and Board of Trustees. In addition to the Meeting Notice, the Village shall endeavor to publicize the alternative arrangements to access the meeting on the Village's website and/or social media channels. In the event of a bona fide emergency declared by the Village:

- a. Notice shall be given pursuant to subsection (a) of Section 2.02 of the Act, and the Mayor shall state the nature of the emergency at the beginning of the meeting; and
- b. The public body must comply with the verbatim recording requirements set forth in Section 2.06 of the Act.

#### **V. Applicability**

If any provision of this Policy conflicts with any provision of the Act, the provisions of the Act shall prevail.

#### **VI. Effective Date & Sunset**

This Policy becomes effective upon adoption of the Ordinance by a majority vote of the Board of Trustees and after approval by the Mayor. This Policy shall be implemented, to the extent allowed, required, and able, prior to the enactment and effective date of Senate Bill 2135 (101<sup>st</sup> General Assembly).

If Senate Bill 2135 (101<sup>st</sup> General Assembly) is not enacted by December 31, 2020, this Policy shall automatically be repealed and deemed null and void without further action by the Board of Trustees.

#### **VII. Availability of Policy**

The Policy shall remain on file together with the Ordinance of the Board of Trustees approving this Policy.

#### **VIII. Amendments**

At any time, this Policy may be amended by a majority vote of the Board of Trustees and subsequent approval by the Mayor.

**SECTION 4:** The Mayor hereby determines and expressly finds, and the Board of Trustees for the Village of Sauk Village, Cook County, State of Illinois hereby approves, that during the period which the Gubernatorial Disaster Proclamation related to the COVID-19 Pandemic (or any continuation or modification made thereto) is in effect and where such Proclamation or any other Executive Order has expressly limited the number of persons permitted to gather in a single space, that an in-person meeting or meeting conducted in strict compliance with the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*, is not practical or prudent because of the declared disaster in the area encompassing the Village of Sauk Village. Therefore, the Village of Sauk Village *Disaster Remote Meeting Policy* shall be **activated immediately** upon the adoption and approval of this Ordinance and this Section shall constitute the head of the public body's determination that an in-person meeting or meeting conducted under the Act is not practical or prudent because of a disaster. Said Policy shall remain activated until such time until the Gubernatorial Disaster Proclamation regarding the COVID-19 Pandemic, and any continuations and extensions thereof, has expired or as otherwise determined by the Mayor.

Furthermore, the Mayor hereby expressly finds, and Board of Trustees hereby approves, that in-person attendance at the regular meeting location is not feasible, in whole or in part, due to the nature of the disaster, and the Village shall make alternative arrangements (as defined in the Disaster Remote Meeting Policy), and shall provide notice of such alternative arrangements on the Meeting Notice whereby the members of the public must be able to contemporaneously hear all discussion, testimony, and roll call votes.

**SECTION 5:** If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**SECTION 6:** All ordinances, resolutions, motions, or order in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 7:** This Ordinance shall be in full force and effect immediately upon its adoption and approval, as provided by law due to the urgent nature of this matter.

*[Remainder of Page intentionally left blank]*

**ADOPTED** by the President and Board of Trustees of the Village of Sauk Village, Cook County, Illinois this 16<sup>th</sup> day of June 2020, pursuant to a roll call vote, as follows:

Yes: Bell, Brewer, Grant, Jasinski, Todd, Williams  
No: None

**APPROVED** by the President and Board of Trustees of the Village of Sauk Village, Cook County, Illinois on this 16th day of June 2020.

/s/Derrick Burgess, Mayor

ATTEST

/s/Marva Campbell-Pruitt, Village Clerk

