



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: July 6, 2020

Prepared By: Ray Forsythe, City Administrator, Derek Schreyer, City Attorney

Agenda Item: Resolution amending the City Council Rules of Procedure regarding Remote Participation

Explanation: The City Council adopted Rules of Procedure on May 16, 1983. These rules did not address remote participation as the technology would not have been readily available and there would have been no indication of the impacts of a pandemic such as COVID-19 at that time. Staff included a recommended change to Chapter 31 "City Council" at the June 8th Committee of the Whole. While the Council supported this portion of the amendment, there was consensus to further discuss the proposed Code Amendment at the July Committee of the Whole meeting so no action was taken on the Remote Participation. Since that time the State of Illinois has entered Phase 4 of the Restore Illinois Plan which provides for public gatherings of up to 50 People and several Councilmen have requested this item be considered sooner than the Committee of the Whole meeting of July 13, 2020. The City Attorney has drafted a resolution amending the City Council Rules of Procedure.

The July 6, 2020 Council Meeting is scheduled to take place at a large banquet room at Five Points. The venue will provide ample space to allow the entire City Council, Staff and an area for residents to gather in the space with adequate social distancing. The room will be set up accordingly. There may be instances in the near future that one or more Council members may request to participate remotely due to one of the reasons outlined in the State Statute or proposed Rules of Procedure:

1. Due to personal illness or disability
2. Due to employment purposes or other City business
3. Due to a family emergency or other emergency

Section 9.2 of the Rules of Procedure provide that the Rules of Procedure be amended "by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council Meeting."

It would be our recommendation that this item be introduced at the City Council Meeting on July 6th in order to meet the requirements of the Rules of Procedure. The City Council could hold a Special Meeting on July 13th prior to the Committee of the Whole Meeting to adopt the resolution should the desire of the Council be to adopt the Resolution as soon as possible.

Fiscal Impact: None, unless technology available at the meeting location does not support existing hardware to allow remote participation.

Recommendation/Committee Discussion Summary: The City Council discussed the Rules of Procedure and an Amendment to Chapter 31 at the Committee of the Whole Meeting, June 8, 2020 but did not have a consensus on these items and requested further discussion at the July 13, 2020

Date Prepared: 07/02/2020

Committee of the Whole. Individual Council Members voiced support for remote participation and further follow up by Councilmen to the City Administrator indicate the desire for this to come before the Council at the July 6, 2020 Meeting.

Action Requested: Consideration of the Resolution to Amend the City Council Rules of Procedure.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE CITY COUNCIL RULES OF PROCEDURE

WHEREAS, on May 16, 1983, the City Council of the City of Washington adopted the City Council Rules of Procedure ("**Rules of Procedure**") to establish rules governing the conduct of City Council meetings;

WHEREAS, Section 2.01 of the Illinois Open Meetings Act ("**OMA**") 5 ILCS 120/2.01, requires that a quorum of members of a public body must be physically present at the location of an open meeting;

WHEREAS, the Section 2.2 of the Rules of Procedure provides that a majority of the members of the City Council constitutes a quorum;

WHEREAS, once quorum is established, Section 7 of the OMA permits a majority of the City Council to allow another member to participate in an open meeting remotely if his/her physical presence is prevented due to: (1) personal illness or disability, (2) employment purposes or the business of the public body, or (3) a family or other emergency and the Rules of Procedure permit remote participation in a manner consistent with the OMA;

WHEREAS, the Rules of Procedure do not permit remote participation in an open meeting by a member of the City Council;

WHEREAS, on March 16, 2020, JB Pritzker, Governor of the State of Illinois, issued Executive Order No. 2020-07 whereby Sections 2.01 and 7 of the OMA were suspended.

WHEREAS, the suspension of Sections 2.01 and 7 of the OMA was extended by Executive Order No. 2020-18 (extended the OMA suspension through April 30, 2020), Executive Order 2020-33 (extended the OMA suspension through May 29, 2020) and Executive Order 2020-39, (extended the OMA suspension "through June 27, 2020 or until corresponding legislation (S[enate] B[ill] 2135) is enacted and takes effect, whichever occurs first").

WHEREAS, the suspension of Sections 2.01 and 7 of the OMA ended when Senate Bill 2135 was signed into law as Public Act No. 101-0640, effective June 12, 2020;

WHEREAS, since Tazewell County, Illinois entered Phase 4 under the Restore Illinois Plan on June 26, 2020 which permits inside public gatherings of up to 50 people if social distancing recommendations are maintained, the Mayor of the City of Washington has determined that Sections 2.01 and 7 of the OMA require a quorum of members of a public body must be physically present at the location of an open meeting;

WHEREAS, the City Council desires to amend the Rules of Procedure to allow for a member of the City Council to remotely participate in City Council meetings in a manner consistent with Section 7 of the OMA; and

WHEREAS, Section 9.2 of the Rules of Procedure provide that the Rules of Procedure may be amended “by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEVELL COUNTY, ILLINOIS, THAT: the Rules of Procedure are hereby amended by adding the following Section 10:

10. Remote Attendance by Council Members: Any member of the City Council may attend and participate in any open or closed meeting of said public body from a remote location via electronic means provided that such attendance is in compliance with the rules set forth herein and any other applicable laws.

- (1) Prerequisites. Any member of the City Council shall be provided the opportunity to attend an open meeting via electronic means from a remote location if a quorum is physically present at the meeting site, the quorum votes to approve the attendance in the open session by electronic means, and the requesting member meets the following conditions:
 - (a) The member must notify the City Clerk at least forty-eight (48) hours prior to the scheduled meeting, unless such notice is impractical, so that necessary communications equipment can be arranged. Said notification to the City Clerk shall be by completion and submission of an electronic attendance request form signed by the member. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance.
 - (b) The member must assert one (1) of the three (3) following reasons why he or she is unable to physically attend the meeting:
 - (i) due to personal illness or disability;
 - (ii) due to employment purposes or other City business;
 - (iii) due to a family emergency or other emergency.
- (2) Quorum and Vote Required. Providing the above prerequisites have been met and following roll call to establish that a quorum is physically present at the meeting site, a motion shall be made and considered as to whether to allow the member to remotely attend the open meeting via electronic means. Otherwise, a vote must be taken to allow each remote participation via electronic means. The motion must be approved by a vote of a majority of the City Council.
- (3) Adequate Equipment Required. Any member participating electronically and other members of the City Council must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing remote attendance via

electronic means at any meeting, the City Council shall provide equipment adequate to accomplish this objective at the meeting site.

PASSED AND APPROVED this _____ day of _____, 2020.

AYES: _____

NAYS: _____

Mayor

Attest:

City Clerk