

BOARD OF COMMISSIONERS OF MORGAN COUNTY, ILLINOIS
ORDINANCE NO. 2019 - _____

AN ORDINANCE APPROVING AND ADOPTING
RULES AND PROCEDURES FOR PUBLIC MEETINGS

WHEREAS, open meetings and closed meetings conducted by public bodies within the State of Illinois are governed by the Illinois Open Meetings Act (5 ILCS 120/1, *et seq.*) (“OMA”); and

WHEREAS, the Morgan County Board of Commissioners desire to adopt a set of general rules and procedures to guide the County Board of Commissioners and any other County boards, committees and commissions in the conduct of open meetings and closed meetings conducted under the applicable provisions OMA and any other applicable State laws, such as the Illinois Counties Code (55 ILCS 5/); and

WHEREAS, at an open public meeting conducted on _____, 2019, the Morgan County Board of Commissioners considered the rules and procedures set forth below in Section 2 of this Ordinance, which are entitled “RULES AND PROCEDURES FOR PUBLIC MEETINGS” (the “Morgan County Rules And Procedures For Public Meetings”) and the Morgan County Board of Commissioners provided the public with opportunities to review and provide comments on the Morgan County Rules And Procedures For Public Meetings; and

WHEREAS, at the _____, 2019 meeting, after discussion and consideration of Morgan County Rules And Procedures For Public Meetings and further consideration of the comments provided by the public, the Morgan County Board of Commissioners voted to approve and adopt the Morgan County Rules And Procedures For Public Meetings as set forth below in Section 2 in order to enact, implement and use the Morgan County Rules And Procedures For Public Meetings; and

WHEREAS, pursuant to the applicable provisions of the Illinois Counties Code (55 ILCS 5/), as amended, the Morgan County Board of Commissioners have the authority to enact this Ordinance and determine and find that it is in the best interests of Morgan County, its residents, businesses, property owners and the public to enact this Ordinance to specifically provide a set of rules and regulations to guide all Morgan County boards, commissions and committees that conduct public meetings.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The above recitals are incorporated by reference into Section 1 of this Ordinance as material terms and provisions.

SECTION 2: The Board of County Commissioners of Morgan County, Illinois approve and adopt the following regulations:

- Chapter 1:** Rules and Procedures for Public Meetings
- Section 1.1:** Purpose and Findings
- Section 1.2:** Rules, Order Of Business, Agenda And Procedure

Chapter 1: RULES AND PROCEDURES FOR PUBLIC MEETINGS

Section 1.1: PURPOSE AND FINDINGS

The purpose of this Ordinance is for the Morgan County Board of Commissioners to adopt a set of general rules and procedures to guide the County Board of Commissioners and any other County boards, committees and commissions in the conduct of open meetings and closed meetings conducted under the applicable provisions OMA and any other applicable State laws, such as the Illinois Counties Code (55 ILCS 5/). The Morgan County Board of Commissioners have determined and find that it is in the best interests of Morgan County, its residents, businesses, property owners and the public to enact this Ordinance to enact rules and regulations to guide all Morgan County boards, commissions and committees that conduct public meetings.

Section 1.2: RULES, ORDER OF BUSINESS, AGENDA AND PROCEDURE

A. Order Of Business: The following order of business shall be followed in all meetings of the Morgan County Board and all other Morgan County boards, commissions and committees unless suspended by unanimous consent of the members of the public body present. At the hour selected for the meeting, the clerk, secretary or someone appointed to fill his/her place shall proceed to call the roll of members, mark the absentees and announce whether a quorum is present in order to call the board, the commission or the committee to order. If the chair is absent, a temporary chairman shall be appointed by motion. If a quorum is not present, the board, commission or committee shall not consider and conduct business at the meeting and shall adjourn the meeting, noting that a quorum was not present. When a quorum is present, the board, commission or committee shall then proceed to the business before it, which shall be conducted in the following order consistent with the below Rules:

(A) Rule 1. Agenda; Order of Business. A quorum shall proceed to transact the business before it in the following order, unless the same be temporarily suspended by unanimous consent:

- (1) Call to order;
- (2) Roll call of members;
- (3) Approval of Agenda;
- (4) Consideration and Approval of minutes;
- (5) Public comment;
- (6) Committee Reports;
- (7) Staff and Consultant Reports, including Finance Report;
- (8) Consideration and action on Business Agenda Items (motion and roll call vote or voice votes);
- (9) Other Business;
- (10) Closed meeting session (only if needed; motion and roll call vote);
- (11) Chairman's remarks; and
- (12) Adjournment (motion and voice vote).

(B) Rule 2. Roll Call Vote. In all cases of the passage of an ordinance, the creation of a liability against the County, or the expenditure or appropriation of its moneys, the motion shall be taken by a roll call vote, and the result shall be recorded in the record book of the public body, and the concurrence of a majority of the members appointed or elected to the public body shall be necessary to the passage of any such ordinance, resolution or appropriation.

(C) Rule 3. Special Committees. The Chair of the County Board, with the advice and consent of the Board members, may appoint all special committees, unless otherwise specially directed by the public body, in which case they shall be appointed by vote of the Board.

(D) Rule 4. Approval of Bills and Invoices. All bills and invoices, before being paid, shall be approved by the County Board.

(E) Rule 5. Order In Boardroom; Priority On Points Of Order: The Chair shall preserve order and decorum and may speak on points of order in preference to other members, and shall decide all questions of order, subject to an appeal to the public body. In case of appeal, no member shall speak more than once without the unanimous consent of the public body. In all cases not specially provided for by law or ordinance, the public body shall be guided by parliamentary procedures as set forth in Robert's Rules of Order.

(F) Rule 6. Closed Meeting: The public body may at any time, by the affirmative vote of two-thirds (2/3) of the members present, recess itself into a closed meeting, at which session all but members of the public body and the clerk may be excluded, except if the clerk is the subject matter of the closed meeting and his or her presence creates a conflict of interest. The closed meeting will be conducted and recorded in accordance with the applicable provisions of the Illinois Open Meetings Act (5 ILCS 120/1, *et seq.*).

(G) Rule 7. Motions; Seconding; Reduction To Writing: No motion shall be debated unless it is seconded. When a motion is seconded, it shall be re-stated by the Chair before debate, then debated, and upon the affirmative vote of the public body, any such motion shall be reduced to writing by the clerk or secretary in the minutes.

B. Approval Of Minutes: The public body and any standing committees shall approve minutes of their open meetings within thirty (30) days after that meeting, or at the second subsequent regular meeting thereafter, whichever is later. The public body and any standing committees shall review semi-annually and approve the minutes of their closed meetings in accordance with the applicable provisions of the Illinois Open Meetings Act (5 ILCS 120/1, *et seq.*).

C. Electronic Participation Guidelines At Meetings:

1. Findings: Public Act 94-1058, effective January 1, 2007, amends the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*) to allow municipalities to adopt rules and procedures that permit appointed and elected members of boards, commissions and committees to attend, participate and vote at open and closed public meetings through the use of telephone conference calls or other electronic means. The corporate authorities of the County find that it is in the public interest to adopt a set of rules and procedures that allow appointed and elected members of County boards, commissions and committees to attend, participate in and vote at open and closed public meetings through the use of telephone conference calls or other electronic means (e.g., video or audio conference).
2. Definitions: The definitions of the terms "meeting", "public body", "other means", "quorum" or any other defined term used in this Ordinance, which are also found in the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), as amended, shall have the same definitions as contained in the OMA.

3. Rules And Procedures:

- a. County boards, committees and commissions must comply with all of the applicable requirements of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), as amended.
- b. County boards, committees and commissions are prohibited from establishing a quorum to conduct business at an open or closed meeting through the attendance of board members by the use of telephone conference calls or other electronic means. A quorum of members of a County board, commission or committee must be physically present at the location of an open or closed meeting.
- c. County officials who wish to attend a meeting electronically must give notice before the commencement of the meeting to the recording secretary or the County clerk (or deputy clerk), unless advance notice is impractical.
- d. Meeting minutes must reflect whether a member is present physically or electronically, regardless of whether any members are attending through the use of a telephone conference call or other electronic means.
- e. Provided that the audio, telephone or video conference connection allows the voice of an absent member to be clearly heard by the attendees of the meeting (including the public) and the absent member can clearly hear the voices of the attendees who participate in the meeting, a member of a County board, committee and commission may attend, participate and vote at an open or closed meeting through the use of a telephone conference call or other electronic means if the member is prevented from physically attending because of:
 - i. Personal illness or disability; or
 - ii. Employment purposes or the business of the public body; or
 - iii. A family or other emergency.
- f. Where one or more members of a County board, committee and commission is attending the meeting by use of a telephone conference call or other electronic means, the presiding officer shall, immediately after convening of the meeting, announce to the public which member is attending the meeting by use of a telephone conference call or other electronic means, identify the method of attendance and the reason why the absent member is participating by such means.
- g. If the presiding officer attends the meeting through the use of a telephone conference call or other electronic means, he or she shall not be required to vacate the chair and may act in his or her capacity as the presiding officer for the purposes of the meeting despite not being physically present.
- h. The voice of the absent member participating by telephone conference call or other electronic means, after being identified by the other County board, committee and commission members as belonging to the absent member, shall be simultaneously broadcast to the public present at the meeting so that his or her voice can be heard, and the member shall also be able to hear any discussions of the other members and the public comment regarding any issue discussed at the meeting before a vote is taken.

D. Public Comment Participation Guidelines At Meetings:

1. In accordance with the requirements of Section 2.06(g) of the Illinois Open Meetings Act (5 ILCS 120/2.06(g)), any person attending a public meeting of any Morgan County board, committee, or commission shall be permitted to address the public officials during the public comment period, which shall be reserved for each meeting, subject to the following Rules. When it is determined to be

beneficial for the Morgan County board's, committee's or commission's consideration of a specific agenda item, a Morgan County board, committee, or commission, in its discretion, may allow one or more individuals to defer his/her/their opportunity to speak during the public comment period until the portion of the meeting when a specific agenda item is considered by the public body, subject to the following Rules.

Rule 1: A period of time not to exceed thirty (30) minutes will be devoted to public comment at each meeting, unless the public officials, by a majority vote at the meeting, agree to allow the public comment period to exceed thirty (30) minutes for that particular meeting.

Rule 2: Public comment for each individual who desires to address the public body shall be limited to five (5) minutes per person per meeting. The public officials may, by a majority vote at the meeting, agree to allow the per person public comment session to exceed five (5) minutes for a particular topic or a particular meeting.

Rule 3: Each person who desires to speak to the public body at a public meeting is welcome to do so, and will be requested to (but is not obligated to) sign in with the Morgan County Clerk or the secretary of the public body prior to the start of the meeting and provide and the topic(s) on which he/she wishes to speak.

Rule 4: Each person may state their name to the public body at the start of his or her public comment session.

Rule 5: Each person may provide pre-prepared copies of his or her public comments to the public body prior to, during or after his or her public comment session.

Rule 6: Only one (1) person may speak at a time during any public comment period.

Rule 7: A group of three (3) or more individuals speaking on the same topic are asked to designate a single spokesperson to present the group's public comments.

Rule 8: Public comment at all public meetings of Morgan County boards, committees, and commissions shall be entertained on any items relevant to Morgan County business. Issues relevant to Morgan County business are defined to mean: information about Morgan County events; issues that the public body has the authority to address; items listed on the agenda; and items or issues previously voted on by the public body or that the public body has the authority to consider or vote on in the future.

Rule 9:

Members of the public body will not respond to the public comments at the public meeting, unless directed by the Morgan County Chair of the public body. The Morgan County Chair, or his/her designee, will respond to the public comments, as he or she deems appropriate, and may direct the person to the appropriate Morgan County official or staff member for assistance.

Rule 11: Repetitive comments or arguments are not permitted.

Rule 12: Abusive, foul, threatening, disorderly or other inappropriate language or conduct and/or personal attacks are not permitted.

Rule 13: The Morgan County Chair has the authority to terminate the public comment session of any person who fails to adhere to these Rules. Any person who disrupts the public body from being able to conduct its business during the public meeting may be subject to removal from the meeting room.

Section 3: Interpretation. The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the County of Morgan. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the County of Morgan nor conflict with any statutes of the State of Illinois, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

Section 4: Severability. If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these regulations, and the application of those provisions to any persons or circumstances shall not be affected thereby.

Section 5: Repeal. All ordinances and regulations and amendments thereto enacted and/or adopted by the County Board that conflict or are inconsistent with the provisions of this Ordinance are repealed to the extent of such conflict or inconsistency, as of the effective date of this Ordinance. The repeal of any prior ordinance, regulation or amendments thereto does not affect or impair any prior relief or approvals granted under the prior version(s) of such ordinances, regulations or amendments thereto.

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Section 6: Effective Date. This Ordinance is an ordinance necessary for the health and safety of the people of Morgan County, Illinois, and shall be in full force and effect from and after its passage, approval and publication as provided by State law.

Passed this _____ day of _____, 2019.

____ Aye / Nay ____

Bradley A. Zeller, Chairman/Commissioner

____ Aye / Nay ____

Bill Meier, Commissioner

____ Aye / Nay ____

Ginny Fanning, Commissioner

Certification: _____
Jill S. Waggener, County Clerk

Date: _____, 2019.