

ORDINANCE NO. 2020-06

**AN ORDINANCE ADOPTING PROCERDURES FOR
ELECTRONIC ATTENDANCE AT MEETING**

WHEREAS, the Township of Oswego, Kendall County, Illinois (the "Township") is a township duly organized under the laws of the State of Illinois, including the Illinois Township Code, and a unit of local government as defined in Section 1 of Article VII of the Illinois Constitution; and

WHEREAS, on January 1, 2007, Public Act 94-1058, amending the Open Meetings Act, took effect and amended the definition of a "meeting" to mean "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 communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business," and it permits attendance of members of the public body at public meetings by a means other than physical presence;

WHEREAS, to permit attendance by a means other than physical presence, the Oswego Township Board of Trustees must adopt rules that conform to the requirements and restrictions of the Open Meetings Act, 5 ILCS 120/7;

WHEREAS, the Oswego Township Board of Trustees desires to permit attendance of members of the public body by means other than physical presence in compliance with the Open Meetings Act;

WHEREAS, the Oswego Township Board of Trustees finds that it is necessary that any existing ordinances, resolutions or policies be amended to conform with the term "meeting" to include gatherings as defined in Section 120/1.02 of the Open Meetings Act;

THEREFORE, BE IT ORDAINED by the Board of Trustees of Oswego Township, Kendall County, Illinois, as follows:

SECTION ONE: Recitals. The preliminary paragraphs set forth above are incorporated herein as part of this Ordinance.

SECTION TWO: “Electronic Attendance at Meetings Rules” are hereby created as follows:

(a) **Rules Statement.** It is the policy of Oswego Township that any member of the Board of Trustees may attend any open or closed meeting of the Board of Trustees via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws. For purposes of this ordinance, “meeting” shall be as defined in 5 ILCS 120/1.02 of the Open Meetings Act (as may be amended from time to time) and shall mean 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 communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business.

(b) **Prerequisites.** A member of the Board of Trustees may attend a meeting electronically if the member meets the following conditions:

1. The member should notify the Township Clerk at least 48 hours before the meeting, unless impractical, so that necessary communications equipment can be arranged. Such notice shall be in writing, if possible. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.
2. 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 Township; or
- c. The member cannot attend because of a family or other emergency.

(c) **Authorization to Participate.**

1. The Clerk or his or her designee, after receiving the electronic attendance request, shall inform the Board of Trustees of the request for electronic attendance.
2. After establishing that there is a quorum physically present at a meeting where a member of the Board of Trustees desires to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the Board of Trustees in accordance with these Rules, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members of the Board of Trustees physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the Board of Trustees, physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the Board of Trustees and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

- (d) **Adequate Equipment Required.** The member participating electronically and other members of the Board of Trustees must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the Board of Trustees shall provide equipment adequate to accomplish this objective at the meeting site.

- (e) **Minutes.** Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.
- (f) **Rights of Remote Member.** A member permitted to attend 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 and adhered to. 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 Clerk and placed in the minutes for the corresponding meeting. A member attending 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.
- (g) **Committees, Boards and Commissions.** These rules shall apply to all committees, boards and commissions established by authority of the Board of Trustees.

SECTION THREE: Effective Date. This Ordinance shall be in full force and effect after its passage and approval.

SECTION FOUR: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

ADOPTED this 14th day of July 2020 by the following roll call vote:

Trustee Bidegan yes

Trustee Jacobsen yes

Trustee Selmer yes

Trustee Small yes

Supervisor LeClercq yes

OSWEGO TOWNSHIP



Brian LeClercq, Supervisor

ATTEST:



Ken Holmstrom, Clerk

STATE OF ILLINOIS)
)SS
COUNTY OF KENDALL)

CLERK'S CERTIFICATE

I, Ken Holmstrom, the duly qualified and acting Clerk of Oswego Township, Kendall County, Illinois, do hereby certify that attached hereto is a true and correct copy of an ordinance entitled:

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Which Ordinance was duly adopted by the Board of Trustees of Oswego Township at a regular meeting held on the 14th day of July 2020.

I do further certify that a quorum of the Board of Trustees was present at said meeting or attending by electronic means as permitted by Executive Order by the Governor, and that the Board complied with all of the requirements of the Illinois Open Meetings Act as amended by Executive Order during a declared disaster.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of July 2020.

(SEAL)



Clerk, Oswego Township