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Mayor

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City Attorney

**TO:** The Honorable Mayor John P. Kahl and Members of the City Council

**FROM:** Morgan R. Cadwalader, City Clerk

**DATE:** July 16, 2020

**SUBJECT:** Ordinance Amending the City Code to Authorize Members of the City Boards and Commission to Electronically Attend Their Respective Meetings

**DISCUSSION:** Several years back, the Illinois Open Meetings Act was amended to authorize electronic attendance at public meetings where members of various public bodies were physically unable to attend in person. Around that time, the City Code was amended to authorize the City Council to attend electronically under those conditions authorized by the Illinois Open Meetings Act State law amendments. The attached proposed amendment to the City Code would extend the authorization to attend meetings electronically to the members of the City Boards and Commissions where those members are physically unable to attend in person.

**RECOMMENDATION:** Approve the proposed amendments to the City Code.

**ORDINANCE NO. 4511**

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 2 OF THE EAST PEORIA CITY CODE TO AUTHORIZE MEMBERS OF CITY BOARDS AND COMMISSIONS TO ELECTRONICALLY ATTEND THEIR RESPECTIVE MEETINGS**

**WHEREAS**, Section 7 of the Illinois Open Meetings Act (5 ILCS 120/7) allows the electronic attendance by members of City Boards and Commissions at public meetings of these Boards and Commissions when such persons are unable to attend in-person for the reasons permitted under Section 7 of the Open Meetings Act; and

**WHEREAS**, the City of East Peoria currently authorizes electronic attendance by City Council members at City Council meetings under Title 1, Chapter 2, Section 2.6 of the East Peoria City Code; and

**WHEREAS**, the City of East Peoria now proposes an amendment to the electronic meeting participation regulations found at Title 1, Chapter 2, Section 2.6 of the East Peoria City Code to allow electronic attendance by members of City Boards and Commissions at public meetings of these Boards and Commissions, which proposed amendments are hereinafter set forth; and

**WHEREAS**, the City Council finds that adoption of the proposed amendments serves the best interests of the City of East Peoria and its citizens;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** Title 1, Chapter 2, Section 2.6 of the East Peoria City Code pertaining to electronic participation in meetings of the city council is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

**1-2-2.6. Electronic participation in meetings of the city council.**

- (a) Subject to the provisions of this section, any member of the City Council may electronically attend any open or closed meeting of the City Council via telephone, video, internet connection or other technology which allows effective audio interaction with the member at a remote location. A member may electronically attend a meeting of the City Council only under the following conditions:
  - (1) The member must notify the City Clerk as soon as practicable before the meeting of the member's request to electronically attend the meeting so that

necessary communications equipment can be made available.

(2) The member must assert one or more of the following reasons why he or she is unable to physically attend the meeting and explain to the City Clerk the factual basis for that assertion:

a. The member cannot attend because of the member's illness or disability; or

b. The member cannot attend because of conflicting obligations to his or her employer; or

c. The member cannot attend because he or she is otherwise engaged in business on behalf of the City; or

d. The member cannot attend because of a family or other emergency.

(3) Any member participating electronically and those members of the City Council who are physically present at the site of the meeting must have the capability during the meeting to effectively and instantaneously engage in interactive audio communication with each other. During open meetings, members of the audience must have the capability to hear all audio interactions among all the members of the City Council who are present either physically or electronically.

(b) Within a reasonable time after receiving a request from a member of the City Council to electronically attend a meeting of the City Council, the City Clerk shall inform the remaining members of the City Council of that request.

(c) Acceptance or rejection of a request by a member to electronically attend a meeting of the City Council shall be determined in accordance with the following procedures:

(1) After establishing that a quorum is physically present at the meeting which the member of the City Council desires to electronically attend and establishing that the communications equipment necessary to permit participation in the manner prescribed by this section is

functioning properly, the presiding officer shall state that:

- a. a member of the City Council has requested permission to electronically attend the meeting, and
- b. the member will be authorized to electronically attend the meeting unless a motion objecting to the member's electronic attendance is made, seconded, and approved by majority of the members of the City Council physically present at the meeting.

(2) If a motion objecting to the member's participation is made and approved by a majority of the members of the City Council physically present at the meeting, the member making the request may not electronically attend the meeting. If no such motion is made and seconded or if any such motion is made and seconded but not approved by a majority of the members of the City Council physically present at the meeting, then the request by the member to electronically attend the meeting shall be deemed approved by the City Council and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the authority of a member to electronically participate may not be withdrawn by the City Council for that meeting.

- (d) The minutes of any meeting during which a member of the City Council electronically attends shall identify any such member.
- (e) A member permitted to electronically attend a meeting of the City Council shall have the authority to participate in the meeting to the same extent as those members physically present, subject to the same limitations applicable to those members physically present. A member attending electronically may leave a meeting and return to the same extent and under the same conditions as members who are physically present, provided the member attending electronically shall announce his or her leaving and returning.
- (f) Members of City boards and commissions may also electronically attend their respective board and commission

meetings in the manner provided in this section. In lieu of contacting the City Clerk as provided herein, the board or commission member shall contact the City official that assists the particular board or commission. If the City Clerk is the City Official assisting the particular board or commission, the board or commission member shall contact the City Clerk as provided herein.

**Section 2.** This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 3.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEVELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 21st DAY OF July, 2020.**

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**EXAMINED AND APPROVED:**

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Corporation Counsel