

ORDINANCE NO. 2025 - 778

**ORDINANCE AUTHORIZING ELECTRONIC PARTICIPATION AND
REMOTE ATTENDANCE BY VILLAGE BOARD MEMBERS
AT VILLAGE MEETINGS**

WHEREAS, Section 7 of the Open Meeting Act (5 ILCS 120/7) allows the electronic attendance of Village Board members at Village Board meetings when absent for qualifying reasons as set forth in Section of the Act; and

WHEREAS, under Section 7 of the Act, the Village Board must first adopt rules and procedures to permit attendance at Board meetings by electronic means before allowing attendance at Board meetings by electronic means; and

WHEREAS, the Village Board hereby finds that it is in the best interests of the Village to establish such rules and procedures to permit attendance of Village Board members at Board meetings by electronic means as set forth herein as a means to allow continuing governance of the Village by all elected Board members whenever possible and practicable;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF YATES CITY, KNOX COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The findings and recitations hereinabove set forth are hereby adopted and found to be correct.

Section 2. The Village President and Village Board members are permitted to remotely attend and participate electronically in Village meetings as follows:

Remote Attendance and Electronic Participation at Village Meetings.

A. Subject to the provisions of this section, a Village Board member may remotely and electronically attend any open or closed meeting of the Village Board via telephone, video, internet connection, or other electronic technology which allows effective audio interaction with the Board member from a remote location. Except as otherwise provided in Part G of this section, a Board member may electronically attend a meeting of the Village Board or Village committee meeting under the following conditions:

1. The Board member must notify the Village Clerk (or designee) as soon as practicable before the meeting of the Board member's request to electronically attend the meeting so that

necessary communications equipment can be made available.

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

- a. The Board member cannot attend due to the Board member's illness or disability; or
- b. The Board member cannot attend because of conflicting obligations to the Board member's employer or is engaged in business on behalf of the Village; or
- c. The Board member cannot attend because of a family or other emergency; or
- d. The Board member cannot attend due to an unexpected childcare obligation.

3. Any Board member participating electronically and those members of the Village Board who are physically present at the site of the meeting must have the capability during the meeting to effectively and instantaneously engage in interactive 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 Village Board who are present either physically or electronically at the open Board meeting.

- B. Upon receiving a request from a Village Trustee to electronically attend a Village Board meeting, the Village Clerk (or designee) shall promptly inform the Village President, or the in the absence or unavailability of the Village President, inform the President Pro Tem or most senior Village Trustee who will be attending the Board meeting, of that request prior to the Board meeting. Upon receiving a request from the Village President to electronically attend a Village Board meeting, the Village Clerk (or designee) shall promptly inform the Village President Pro Tem or most senior Village Trustee who will be attending the Board meeting.

- C. A quorum of the Village Board must be physically present at the scheduled meeting location in order to take the necessary action to allow a Board member to electronically attend that Village Board meeting.

- D. After taking roll call and establishing that a quorum is physically present at the Board meeting at which the non-physically present Board member desires to electronically attend and before any action is taken by the Village Board, the request to electronically attend a Village Board meeting shall be the first order of business to be considered by the Board members physically present at the Board meeting. After further establishing that the communications equipment necessary to permit electronic participation is functioning properly, the Village President, or the presiding officer if the Village President is not present, shall state that:
1. a Village Board member has requested permission to electronically attend the meeting, and
 2. seek a motion to allow the non-physically present Board member to attend the meeting by electronic means, which motion will be adopted by a simple majority vote of the members of the Village Board physically present at the Village Board meeting.
- E. The minutes of any meeting during which a Board member electronically attends shall identify any such member as attending by electronic means.
- F. A Board member permitted to electronically attend a Village Board meeting 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 Board 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 when leaving and returning to the meeting.
- G. The Village Board may electronically hold any open or closed meeting via telephone, video, internet connection, or other electronic technology which allows for effective audio or video conferencing between the Board members from remote locations when the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns that covers the Village of Yates City and that limits attendance at public meetings, and all of the following additional conditions have been met:
1. The Village President has issued a declaration that in-person public meetings are not practical or prudent because of the declared disaster;

2. All members of the Village Board participating in the meeting can hear each other and can hear all discussion and testimony during the meeting;
3. All members of the public can contemporaneously hear all discussion, discussion, testimony, and votes taken during the open portion of the meeting;
4. At least one member of the Village Board or the Village Clerk or the Village Attorney is present at the regular meeting location unless not feasible because of the declared disaster;
5. Notice is provided to the public that the meeting will be held by electronic means, including information on how the public can electronically attend the open portion of the meeting;
6. All votes of the Village Board are taken by roll call vote;
7. The Village has complied with all meeting notice requirements under the Open Meetings Act while also posting such meeting notices on the Village's website; and
8. A verbatim record of all portions of the meeting is maintained by the Village in an audio or video recording.

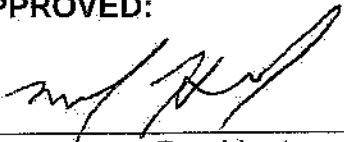
Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith except as to that part in direct conflict with another ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. 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 BOARD OF TRUSTEES OF THE VILLAGE OF YATES CITY,
KNOX COUNTY, ILLINOIS, AND APPROVED BY ITS PRESIDENT THIS 9 DAY
OF April, 2025.

APPROVED:



President

ATTEST:



Village Clerk

CERTIFICATE OF PUBLICATION

I, NEELY CARR, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Yates City, Knox County, Illinois, and that the foregoing is a true and correct copy of Ordinance 2025-778, duly passed by the President and Board of Trustees of the Village of Yates City being entitled: "Ordinance Authorizing Electronic Participation and Remote Attendance by Village Board Members at Village Meetings" at a meeting held on the 9 day of April 2025, the Ordinance being a part of the official records of said Village. The foregoing Ordinance No. 2025-778 was published by me in pamphlet form this 9 day of April 2025, by making three (3) copies thereof available on that date for public inspection. The pamphlet form this Ordinance was also posted at the Yates City Community Center, 102 W. Main St., Yates City, Illinois, commencing on April 9, 2025, and continuing for at least 10 days thereafter. Copies of such ordinance were also available for public inspection upon request from the Village Clerk.

DATED this 9 day of April, 2025.



Village Clerk