

Total Request Live: Night Meeting Edition
104th IML Annual Conference
September 22, 2017, 1:00-2:00 p.m.
Hilton Chicago , Continental C, Lobby Level

Stewart H. Diamond
Keri-Lyn J. Krafthefer
Julie A. Tappendorf
Daniel J. Bolin
Kurt S. Asprooth
Moderator: Janet E. Gray – Deputy Clerk, Village of Rantoul



How is the weather today?

Excellent! **A**

Good **B**

Fine **C**

Bad! **D**

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What is your top night meeting topic?

Closed Session

Public Comment

Voting Rules

Notices and Agendas

Disruptive Board Members

Motions

Public Hearings v. Board Meetings

Effective Meeting Tools

Social Media

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Closed Session



Anceel Glink
DISCIPLINARY BAR
SPEECHES & EXHIBITIONS

Q. As an elected official of a public body, am I entitled to access closed session recordings and minutes of the public body?



Closed Session

Q. As an elected official of a public body, am I entitled to access closed session recordings and minutes of the public body?

A. Pursuant to a recent change in the law, the answer is yes. Public Act 99-0515 amends the Open Meetings Act to provide access to closed session "verbatim recordings" and closed session meeting minutes by elected officials, subject to certain restrictions.



Closed Session

Q. Can a Village Clerk be prevented from attending closed session meetings of the City Council?



Closed Session

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A. No, except in a situation in which the Clerk is involved in litigation against the municipality and that litigation is the subject of the closed session. The statutes allow the Clerk to attend all meetings.



Closed Session

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A. No, the board can approve the release of closed session minutes without releasing the closed session tape recordings to the public. Section 2.06 of the Open Meetings Act requires a public body to record its closed session meetings in the form of an audio or video recording. The OMA states that these "verbatim recordings" are not open for public inspection, except in an action to enforce an alleged violation of the OMA. These recordings can be approved for destruction not less than 18 months after the meeting, so long as the public body has approved the closed session meeting minutes.



Closed Session

Q. While in closed session for the purpose of discussing the purchase of real estate under 2(c)(5), the city manager indicates he also needs to discuss a settlement offer with the council that was made that afternoon in pending litigation. Can the council discuss the settlement offer in closed session?



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A. No, unless the council returns to open session, reconvenes the regular meeting, and then passes a proper motion to adjourn to executive session for purposes of considering pending litigation pursuant to 2 C (11).



Closed Session

Q. A city council adjourned to executive session under Section 2(c)(1) of the Open Meetings Act to discuss pay raises for the city's non-union personnel. During executive session, the city council discussed the amount of an across-the-board pay raise for non-union employees and the impact of such a raise on the city's budget. No individual employees were discussed. Did the city council violate the Open Meetings Act?

ANCEL Glink Business Law
Litigation
& Real Estate

Closed Session

Q. A city council adjourned to executive session under Section 2(c)(1) of the Open Meetings Act to discuss pay raises for the city's non-union personnel. During executive session, the city council discussed the amount of an across-the-board pay raise for non-union employees and the impact of such a raise on the city's budget. No individual employees were discussed. Did the city council violate the Open Meetings Act?

A. Yes. The PAC issued an opinion that a city council had violated the Open Meetings Act because they discussed an across-the-board pay raise for all of the city's non-union employees instead of discussing pay raises for specific employees. The PAC also noted that a public body cannot discuss budgetary matters in closed session, even if those budgetary matters may directly affect its employees.

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& Real Estate

Closed Session

Disruptive Board Member

ANCEL Glink Business Law
Litigation
& Real Estate

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Disruptive Board Member

Q. We have some board members who LOVE to hear themselves talk. Can we limit debate to shut them up?

A. You have three options. First, if you have adopted a procedural rule that board members can only speak when recognized by the Mayor, the Mayor can refuse to continue to recognize the "long talkers." Second, the board can pass a motion to table the matter. Motions to table are non-debatable. Third, a board member can make a motion to "end debate" or "call the question." However, courts will not allow you to use these measure to completely prevent a board member from speaking at all.



Disruptive Board Member

Q. We have a trustee who routinely engages in disorderly conduct at board meetings. Can we expel her?



Disruptive Board Member

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A. Yes, you can expel her provided you have a concurrence vote of two-thirds of the trustees holding office...but you cannot expel the same member for the same offense a second time. While you can use this measure against a board member, the Illinois Supreme Court has held that a City Council has no authority to expel a Mayor from a meeting.



Disruptive Board Member

Q. We have a micromanaging alderman who wants to see city records for No Good Reason. Can we pass a procedural rule restricting access to documents for aldermen we don't really like?



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A. No, provided that the alderman wants to see records that are related to legislative functions. If they need access to documents to perform their legislative functions, they should be granted such access. Documents containing factual information should not be hidden or only partially provided to outliers. Outliers must also be given adequate time in debate.



Disruptive Board Member

Q. What can we do if a trustee has taken over debate on a particular agenda item and refuses to let other members speak or give the floor back to the president?



Disruptive Board Member

Q. What can we do if a trustee has taken over debate on a particular agenda item and refuses to let other members speak or give the floor back to the president?

A. A board member can move to “call the question” which will bring the matter to a vote. However, there must be a motion and a second to approve the item before this procedural tactic will work. If the board members are not ready to vote, one could call a “point of order” to remind the president to regain control of the meeting.



Disruptive Board Member

Q. How can we make The Mean Alderman be nicer?



Disruptive Board Member

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A. Some elected officials learn to govern effectively by attending seminars or workshops dealing with parliamentary procedures and governmental operations, and by better understanding their powers and role in government. It helps if they understand the divisions of powers and duties and focus upon the general fact that 90% of public issues can be resolved through non-objectionable compromises.

 **Disruptive Board Member**

Meetings and Minutes



Q. Can trustees of a Village Board schedule a special meeting to conduct public business and exclude the mayor (who doesn't vote anyway) so long as a quorum of the Village Board is in attendance at that special meeting?

 **Meetings and Minutes**

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A. No, trustees of a Village Board cannot exclude the mayor from a special meeting of the Village Board. On a 7 member Village Board, 3 trustees have the authority to schedule a special meeting, and 4 trustees would constitute a quorum for purposes of transacting public business. However, a Village Board consists of the 6 trustees and the mayor. In scheduling a special meeting of the Village Board, the trustees must invite all 7 members of the Village Board and permit all 7 members to attend the special meeting



Meetings and Minutes

Q. Whose job is it to prepare the minutes of a public meeting?



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A. The statute does not direct anyone to carry out this duty. In most communities, the Clerk performs this function. The Board can assign the preparation of minutes to a recording secretary or other person.



Meetings and Minutes

Q. What items can we act upon at a regular meeting?



Meetings and Minutes

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A. The only items that you can take final action on at a regular meeting of a public body are those which are specified on the agenda and which are described in adequate detail during a discussion before a vote is taken.



Meetings and Minutes

Q. What items can be discussed and acted upon at a special meeting?



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Q. What items can be discussed and acted upon at a special meeting?

A. The only items that you can discuss and act upon are those items that are listed on the special meeting agenda and adequately described at the meeting prior to action being taken. You cannot bring up new items at a special meeting even for discussion purposes. The same holds true for emergency meetings.

Motions

Q. I made a motion and Bob seconded it. After discussion, we want to vote against our motion. Can we do that?

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A. It depends. Some rules of order prohibit this. If the movant or seconder changes his/her mind, another approach is to withdraw the motion or second.

Q. Can we discuss an matter at length without having a motion on the floor?

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A. Probably. Some rules of order require this to take place. Many municipalities allow discussion which can assist in the formation of a motion. The presiding officer may want to permit such practice unless it becomes clear that the discussion is non-productive or should have resulted in the presentation of a motion.

Q. Can a Mayor or Village President make or second motions?



Motions

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A. It depends on your procedural rules. Municipalities have substantial flexibility in establishing procedural rules. Because the Mayor functions as a presiding officer, almost all procedural rules prohibit the Mayor from making motions or seconding them. Mayors generally actively participate in debate. Depending on your form of government, some mayors only vote in three instances, while others may vote on all matters.



Motions

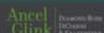
Q. How can I get the board to consider my motion if nobody will second it?



Motions

Q. How can I get the board to consider my motion if nobody will second it?

A. You can't. In order to prevent legislative time from being taken up by a matter that only one member is interested in, most rules of order require all motions to be seconded.



Motions

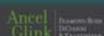
Q. Charlie voted in favor of a motion at the last meeting. After the meeting he received additional information and now he has changed his mind. He wants to change his vote. Can he do so?



Motions

Q. Charlie voted in favor of a motion at the last meeting. After the meeting he received additional information and now he has changed his mind. He wants to change his vote. Can he do so?

A. No. Votes cannot be withdrawn. Under most parliamentary rules, a person who voted in the majority on a matter is generally allowed to make a motion to reconsider the matter either at the same meeting or the next meeting.



Motions

Q. Sara wants to amend my motion, but I like it just the way it is. Do we have to allow her amendment?



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Q. Sara wants to amend my motion, but I like it just the way it is. Do we have to allow her amendment?

A. Only if her motion to amend receives a second, and then passes following debate on the amendment.



Motions

Notices and Agendas



Q. Can we adjourn a meeting to another date without another notice?



Notices and Agendas

Q. Can we adjourn a meeting to another date without another notice?

A. Yes. If the Board establishes the time and place of the next meeting date, and announces such at the initial meeting, no new notice is required to be posted. The press must be notified of rescheduled or reconvened meetings.



Notices and Agendas

Q. What must a government body do when it wishes to cancel a scheduled meeting or change the date, time or place where it regularly meets?



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Q. What must a government body do when it wishes to cancel a scheduled meeting or change the date, time or place where it regularly meets?

A. Government bodies can take a public vote to cancel a scheduled meeting. Since no government body can meet without a quorum present, a meeting is effectively cancelled if none of the members of the public body, or a number fewer than a quorum, appear at the time and place that a meeting is scheduled. It is, of course, much more efficient and thoughtful to announce ahead of time the cancellation of a meeting. By motion of the public body, an individual meeting can be cancelled and another date and time substituted in the motion for the replacement time for the meeting. But if a governmental body wishes to, for example, change its regular meeting night from the 1st and 3rd Mondays to the 1st and 3rd Tuesdays, or change the regular time or place of a public meeting, that action, after having been approved by the governmental body, must appear in a public notice in a newspaper of record.



Notices and Agendas

Q. Who sets the agenda for Board meetings?



Notices and Agendas

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A. In most municipalities, the Mayor and the Clerk establish the Agenda. The Board can establish other fair methods by ordinance.



Notices and Agendas

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A. Under the Open Meetings Act, a public body that has a website that is maintained by full-time staff must post all meeting notices and agendas on the public body's website. The website posting requirement is in addition to posting notices and agendas at the public body's principal office or the meeting place if different than the principal office. However, if a public body fails to post a notice or the agenda of a meeting on its website, that failure will not invalidate any meeting or actions taken at that meeting so long as the public body had properly posted the notice or agenda at the principal office or the meeting place, as the case may be.



Notices and Agendas

Q. A Village's agenda lists an item as "Recommendation for Appointments." The Agenda does not list the names, officers, or terms of the appointments. If the Village Board takes final action to make appointments, will they violate the Open Meetings Act?



Notices and Agendas

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A. No. A recent PAC opinion found that only listing "Recommendation for Appointments" on an agenda, without including any additional information on the appointments, did not violate the Open Meetings Act. The PAC found that the agenda sufficiently set forth the "general subject matter" of what the board was intending to act upon. The PAC also found that it was proper for the board to take final action on the appointments, even though the agenda only listed it as a "recommendation."



Notices and Agendas

Q. How much notice must we give prior to an emergency meeting?



Notices and Agendas

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A. Emergency meetings can be called on as much notice as is reasonably possible due to the emergency. The courts will invalidate meetings and actions taken at emergency meetings called for fictitious or contrived emergency purposes. The municipality must give statutory notice of emergency meetings to the press.



Notices and Agendas

Q. Can new items be added to the agenda of an emergency meeting?



Notices and Agendas

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A. No. But, if other emergency items come up, a new emergency meeting can be quickly called with the new item placed on the agenda.



Notices and Agendas

Q. What can we do if the Clerk is absent or refuses to provide the proper notices for a public meeting?



Notices and Agendas

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A. The individuals calling the meeting can undertake the task of providing notices to the public, the elected officials and the press.



Notices and Agendas

Public Comment – Debate



Public Comment – Debate

Q. Can a member of the public demand an answer to a question from a board member or staff during public comment?



Public Comment – Debate
