

## Township Board Practices and Procedures

Township Officials of Illinois  
Annual Educational Conference  
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Presented By:  
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[www.ancelglink.com](http://www.ancelglink.com)

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### You've Got No Business Without a Quorum

- You must have a majority of the Township Board (Supervisor and Trustees)
- What can you do without a quorum?



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### What Happens if We Start Out With a Quorum, But it is Lost During the Meeting?

- No Quorum, No Vote
- No Quorum, No Meeting
- No Quorum, No Business



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## Be Wary of Unofficial Board Meetings

- Any gathering may be subject to the Open Meetings Act

- Majority of a quorum
- Discussion of public business



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## All kinds of “meetings” are subject to the Open Meetings Act

“any gathering, whether in person or by video or electronic conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous communication, of a majority of a quorum of the members of the public body held for the purpose of discussing public business”

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We have informal committee meetings. Which requirements to we have to follow?

- All of the requirements!
- Notice
- Agenda
- Minutes



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**We have a quorum (three people) at a township board meeting. The vote on a motion was 2-1. Did the motion pass?**

- **No.** Under Section 1.02 of the Open Meetings Act, the affirmative vote of three members is required to adopt any motion, resolution or ordinance (except those requiring a greater number).



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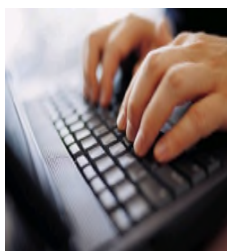
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## E-mail: Friend or Foe?



- If the e-mail exchanges are contemporaneous, they may constitute an improper meeting
- Avoid repeated use of "reply to all" but occasional use is fine
- Consider non-voting person as message intermediary

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## Special Considerations

- **What if the e-mail is on a township computer or account?**
  - If it is about township business, it is a public record
  - If it is not about township business, it is not a public record

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## Special Considerations:

- What if the e-mail is on my home computer?
  - If it is about township business, it is a public record
  - If it is not about township business, it is not a public record

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## Public Record

- "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.

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## Agendas, Minutes & Records



"Everyone here? Good. Meeting topic: Setting world record for shortest meeting. All in favor say aye. Ayes have it. Meeting over."

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### Who should take the minutes of the meeting?



- Clerk/Deputy Clerk or Secretary
- What if the usual minute taker is sick?
- Committees should designate a committee member

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### Your Agenda Serves as the Public's Notice of Meetings

- Annual notice of all regular Board meetings must be provided and posted on website (if applicable)
- Agendas must be posted no later than 48 hours before meeting
- Agendas must be provided to media (if requested) and posted on web site (if applicable)

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### Your Agenda Serves as the Public's Notice of Meetings

- Section 2.02(c) of the Open Meetings Act requires that all agendas shall set forth "the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting."  
– Do not just list the title

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## Your Agenda Serves as the Public's Notice of Meetings

- Beware of action items that arise under officer's reports
- Put the public on notice of what you may act on
- Does not apply to motions
- Only applies to final action

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## How Should You Provide Notice?

- Post copy at the township's principal office
- Post on website (if applicable)
- Send copy to newspaper (if requested)
- Send copies of notice to Board members



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## Do we need to post a notice of all of our regular meetings?

- Yes – post the date, time and place of meetings at the beginning of your calendar or fiscal year



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### Can you summarize website posting requirements?

- If you have full-time staff maintaining your website, you must post:
  - Regular meeting notices and agendas until the regular meeting is concluded.
  - The Township's annual notice of regular meetings.
  - Minutes of regular meetings within 10 days after the approval of the minutes. The minutes must remain posted for at least 60 days after their initial posting.

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### Can you summarize website posting requirements?

- If you have full-time staff maintaining your website only part time, you must still post.
- You do not have to post if you have a website that is maintained by someone other than full-time staff (such as part-time staff or an outside consultant.)

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### We Need to Change the Meeting Time of Our Regular Meetings... Can We Do That?

- Yes. You need to provide 10 days notice before the change is permanent
- You must also publish notice of the change in at least one newspaper of general circulation in the jurisdiction

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## What if we need to change the meeting date for just one meeting?

- No need to publish
- Follow posting requirements for special meetings
- Notify clerk, board members, any news media who has requested notice
- Practical tip: Also notify people of cancellation

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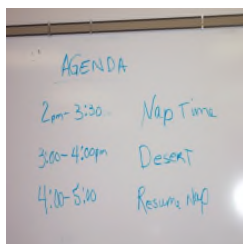
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## Pay Careful Attention to Your Agenda



- Agenda must be complete
- You may only act on agenda items
- Agenda must be posted in advance of meeting

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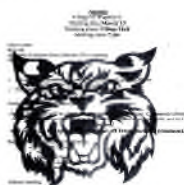
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### We Forgot to Include a Critical Ordinance on Our Agenda...May We Amend the Agenda at the Meeting?

- Yes, but only to discuss, not to take action
- If extremely urgent, vote on it, list it on next agenda for next meeting, then ratify it at the next meeting

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### A Quick Note About Special and Emergency Meetings

- Special meetings require specific notice of each and every topic to be discussed
- Less than 48 hours notice OK for bona fide emergency meeting
- Emergency = township hall just burned down, not self-created emergency

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### Remember to Keep Written Minutes of All Your Meetings

- Include date, time and location of meeting
- Identify officials present or absent
- Provide general description of matters discussed and decided



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## Are We Required to Disclose Our Open Meeting Minutes to the Public?

- A township must approve the minutes of an open meeting within 30 days after that meeting or at the second subsequent meeting, whichever is later.
- Open meeting minutes must be available for public inspection within 10 days after approval by the township board.
- Open meeting minutes must also be posted on the township's website within 10 days after approval (if applicable) and remain posted for 60 days.



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## A Quick Note About Approving Minutes

- Minutes may be corrected upon approval by the Board
- Minutes should not be amended to include additional matters not discussed at meeting
- Annual town meeting minutes
- Draft minutes are exempt from disclosure

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## Do the open portions of our meetings need to be audio or videotaped?

- Recording of open session not necessary
- The public has a right to record open meetings
- Public body may adopt reasonable rules regarding recording by the public
- All closed sessions must be recorded

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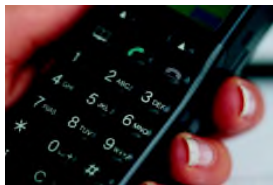
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### May we let an official participate in a meeting electronically?

- Only if you have adopted a written procedure
- Absence of official may only relate to illness or business, not due to vacation



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### Key Elements of Remote Participation:

- Quorum must be physically present
- Vote on whether remote participation allowed
- Identify reason for remote participation
- If request legitimate, allow participation

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### May we let a board member who will not be at the meeting vote by proxy?

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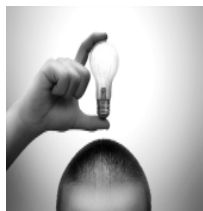
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## A Few Good Meeting Tips



- Observe timeliness
- Limit Board debate
- Prepare full agenda packets

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## Another Good Tip: Consider Using Committees

- Utility will depend on size of the township
- Use for more detailed study of various issues
- Must be authorized by Board



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## One More Tip: There Is now a Right to Public Comment



- “Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.” 5 ILCS 120/2.06(g).

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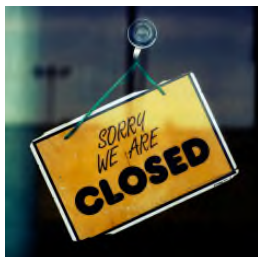
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## Closing a Meeting to the Public

- Only certain topics may be discussed
- Motion required to go into closed session
- Discussions must be recorded in writing and by audio or video



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## Do we need to identify ourselves in closed session?



- Roll call
- Identify yourself for the audio/video recording
- Closed session minutes should reflect who was present throughout session

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## May we go into closed session on a voice vote?

- No, there must be a roll call vote

Joe	✓
Susan	✓
Carol	✓
Ben	✓

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### May an Item Be Discussed in Closed Session Even If It Wasn't Mentioned in the Closed Session Motion?

- The specific exceptions must be cited in the motion for closed session but not the specific names of people or places involved
- If you discuss a permissible topic in closed session that was not included in the motion, disclose that publicly when you return to open session, but beware of the new PAC opinion

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### What Topics Are We Required to Discuss In Closed Session?

- Open Meetings Act does not require you to close any meeting or portion of meeting
- Exceptions authorize, but do not require, closing meeting to discuss any of the enumerated subjects

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### What can we vote on in closed session?

- Approval of content closed session minutes
- Approval of release on closed session minutes
- Authorization of direction on permissible closed session topic

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### What if our tape recorder breaks?

- Stop the meeting and fix the recorder



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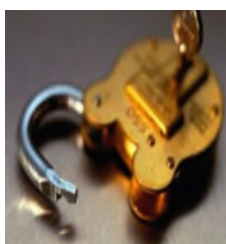
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### Who is in charge of safeguarding the tapes?

- No specific person responsible
- Generally, it's the clerk.



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### What are the rules about recording closed sessions?

- Section 2.06 of the Open Meetings Act requires townships to record all closed sessions.
- Closed session tapes are usually not discloseable under FOIA.

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## The closed session tapes can only be destroyed if:

- The Township Board has approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
- More than 18 months have elapsed since the date of the closed session;
- There is no court order requiring the preservation of such recording; and
- The Township Board has not passed a motion requiring the preservation of the verbatim recording of that meeting.

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## Can we let a board member who was not present at the meeting listen to the closed session tapes?



- Probably, if she was entitled to attend the meeting in the first place

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## What can we do about a board member who leaks closed session materials to the press?



- Attempt to censure the board member
- Report the infraction to the State's Attorney
- Seek an injunction

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Do we need to approve closed session minutes that we do not plan to release?



- Yes, minutes should be reviewed for accuracy of content
- Must be reviewed every 6 months to determine if need for confidentiality still exists

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Can we release parts of the closed session minutes but not other parts?

- Yes, not all parts of minutes have to be released
- Parts of minutes may be kept confidential, but you must still review them and make a finding of such every 6 months



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May we invite experts or other officials into our closed session?



- Yes, but with some limitations

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Can we talk about where a new public building should be located in closed session?

- Discussion must relate to purchase or lease of a particular parcel or parcels of real property
- Section 2(c)(5) of the Act

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Can we criticize the performance of an employee in closed session?

- Yes, it is permissible to discuss the discipline, performance or dismissal of specific employees in closed session



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May we talk about whether we should hire an auditor as an independent contractor during closed session?

- No. Section 2(c)(1) allows closed session discussions only relating to the appointment or employment of employees
- An independent contractor is NOT an employee
- An attorney is the only independent contractor that may be discussed in closed session

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### How do we hire a new engineer, surveyor or architect?

- Comply with Local Government Professional Services Selection Act



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### Why Do We Need the Open Meetings Act?

- Public business should not be conducted privately
- The Open Meetings Act ensures that the conduct and deliberations of the people's business is conducted openly

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### Can the Supervisor refuse to allow citizens to speak at public meetings?

- No. The Open Meetings Act requires that any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body. (5 ILCS 120/206(g))



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**What can we do if two Board members hate each other and any statement by one results in an angry statement by the other?**

- Debate can be limited at a public meeting and officials can be publicly chastised about their incivility.



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**Can one Board member demand that another Board member “answer the question?”**

- Neither a Board member, or members of the public can demand that a Board member “answer the question.”



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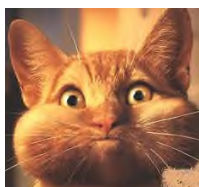
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**What can we do if a Board member threatens to hold his breath until he gets his way?**

- We suggest the use of “time out.”



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**We don't like the way the Clerk takes the minutes. What can we do about this?**

- The township board can vote to amend the minutes.

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**I am an elected Clerk, paid on a part-time basis, and the Board wants me to be at the township building every day. Can they make me?**

- If the elected Clerk fails to fill responsibilities given to that office by the Board, it is probably up to the electorate to decide, during the next election cycle, if the Clerk has or has not done a good job.



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**The newspaper keeps printing terrible pictures of me. How can I fight back or make them use my photos from Glamour Shots?**

- You can provide the newspaper with better pictures or have plastic surgery. You can show terrible pictures of the editor and owner during your televised meetings. The plastic surgery is not reimbursable by the Township.

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### Can a Board pass procedural rules to prevent Trustees from speaking for a long time or repeatedly?

- Yes. All governmental bodies have the ability to adopt procedural rules. So long as legislative members are given a reasonable opportunity to speak, limitations may be placed upon duration or frequency.

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Diamond Bush  
DiCianni  
& Krafthefer

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### Contact Information

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