

Procedure Manual

For Boards and Commissions

In the Village of Oak Park

INTRODUCTION

The Village of Oak Park (“Village”) thanks you for choosing to participate in Village government. Citizen involvement helped create the character and values that have made the Village the community it is today. The Village’s advisory boards and commissions¹ tap into its greatest natural resource – its residents. It is your commitment to the community that allows the Village to continue to be a vibrant, diverse community represented by its citizens. Elected officials and administrative staff have come to depend upon these commissions as a vital source of information critical to sound policy making.

In order to assist you with your service on one of the Village’s commissions, we have developed this revised Procedure Manual (“Manual”). This Manual is designed to explain the role of commissions in Village government for commission chairs and members, and the rules and regulations that govern the activities of commissions and their members.

Chapter 1: Commission Functions and Duties

The Village has a broad range of commissions that are formed by either state law or Village ordinance. The law which created the commission also describes its purpose and its composition, including any special qualifications for membership.

The majority of Village commissions exist to advise the Village Board on policy level decisions based on facts developed at the commission level. A few have final decision-making powers as established in the applicable Village ordinance or state statute. Commissions do not have the power to perform staff level operations

A. Annual Work Plans

The responsibilities of a commission are generally defined in the Village ordinance or state law that creates the commission (collectively referred to as “the enabling

¹ The Village has both boards and commissions, which will be collectively referred to as “commissions” in this manual.

ordinance”). On an annual basis, a commission develops a work plan which sets forth projects for the year consistent with the enabling ordinance and the Village Board’s goals and objectives for the commission. The staff liaison and the commission chair should develop a draft work plan together. The work plan should include the recommended projects and assignments given to the commission by the Village Board. It is the role of the Trustee liaison to carry the Village Board’s assignments to the commission and make sure they are accurately included in the work plan. The work plan should also list major projects and initiatives proposed by the commission. As a rule, any initiative which will occupy more than five percent (5%) of a commission’s time during the year should appear on the work plan. Although a commission’s work plan is expected to be an honest projection of activities for the year, it is understood that a work plan is not a fully detailed description of all activities or an exact schedule of when work plan items will be completed. Work plans should not include staff level work.

After the draft work plan is written, the chair must present it to the full commission for review and input. The commission will revise it if necessary. Following commission approval, the staff liaison must bring the work plan to the Village Board for adoption and approval. The Village Board may approve, reject or modify the work plan, and may also assign additional tasks to a commission during the course of a given year.

B. Public Events

A commission may hold a public event in accordance with the commission’s enabling ordinance, Village Board direction, and the annual work plan. A commission may request the use of meeting space at Village Hall or may hold events at other available locations. The staff liaison will be responsible for securing the venue for any public event, either by a contract, permit or other reservation process. Publicity for a public event held by a commission must be coordinated through the staff liaison. Costs related to public events must be included in the Village budget – see budget section below.

C. Publications

Some commissions make awards or provide public information and produce promotional, informational or marketing materials. In the event there are written or visual materials that need to be created or published in connection with these initiatives, the staff liaison will work with the Village’s Communications Director to make sure the final product is presented in a manner consistent with the Village’s publishing standards. The Communications Director will also be responsible for determining if the material is appropriate for distribution on the Village’s web site, OPFYI, Facebook page or other social media outlets. The staff liaison should include expenses related to printing or other costs as part of their annual budget request.

Chapter 2: Commission Roles

Each commission has a chair, members, a staff liaison, a Village Trustee liaison, and a liaison from the Citizen Involvement Commission (“CIC”).

A. Chair

1. Duties of the Chair

The chair is responsible for conducting meetings in accordance with the procedures in this Manual. The chair is also responsible for coordinating the work of the commission with the staff liaison. The chair is also the spokesperson for the commission before the Village Board when necessary. Because of the additional duties of the chair, the chair is expected to attend every meeting of the commission unless there are special circumstances which prevent his or her attendance.

The duties of the chair are as follows:

a. Meeting Related Duties

- Work with the staff liaison to ensure that the agenda for the meeting has been created and properly posted by the staff liaison and the Village Clerk.
- Poll members prior to a meeting to determine the likelihood of a quorum.
- Conduct the meeting in accordance with the Open Meetings Act and basic parliamentary procedure.
- Ensure that staff prepares and keeps meeting minutes in accordance with the Open Meetings Act.

b. Other duties

- Represent the commission before the Village Board when necessary. When commission recommendations are presented to the Village Board for final action, the chair is welcome to attend, but is not required to do so unless the staff liaison informs the chair that his or her attendance is necessary to advance the commission’s work. Often, the Village Board is interested in hearing directly from the chair about the work of the commission.
- Make sure members attend all meetings in accordance with the attendance policy.
- Attend periodic chair meetings as described below.
- Suggest a successor chair at the end of their term.
- Report attendance issues of members to the CIC liaison.
- Report to the CIC liaison on the overall functioning of the commission.

- Work with the Office of the Village Clerk, the Citizen Involvement Commission and Village staff to ensure that all members complete Open Meetings Act training in a timely manner.
- Provide the CIC liaison with information on the expiring terms of members in enough time to allow their reappointment or the recruitment and appointment of a new member.
- Provide the CIC with input into whether an existing member should be reappointed based on the member's attendance, active participation in meetings and ability to work respectfully with others regardless of their opinion.

c. Voting Rights

Chairs have the same voting rights and responsibilities as any other member of the commission.

2. Chair Meetings

The Village President and/or Village Clerk host periodic chair meetings. The purpose of a chair meeting is to educate chairs on procedural matters, ensure the smooth operation of commissions and to facilitate cooperation among commissions. All chairs of Village commissions should attend the chair meetings. Chairs that are unable to attend a chair meeting should send another member of the commission to attend. The goal of the chair meetings is to discuss procedural issues which arise during meetings, and to share information on commission activities.

Chair meetings are not usually attended by a majority of a quorum of any board or commission. Because of this, they are not governed by the Open Meetings Act.

3. Appointment of the Chair

Chairs are most often appointed from among the existing members of a commission due to the prior experience and background that an existing member will have regarding an applicable commission. The CIC encourages outgoing chairs and existing commission members to assist the CIC by identifying candidates who would make a good chair. Anyone who is eligible to be appointed to a commission is also eligible to serve as the chair.

The Village President reviews the recommendations of the prior chair and staff liaison but may also choose to name someone else to the position and then forwards his appointment to the Village Board for appointment. Chairs are appointed only by the majority vote of the Village Board in the same manner as it approves the appointment of commission members.

B. Members

1. Duties

Members of a commission are expected to understand the work of the commission, the rules and procedures in this Manual, to read and review materials provided to them, regularly attend and participate in meetings and deliberate and vote as necessary to carry out the business of the commission.

2. Appointment

The CIC recruits and selects commission members other than chairs and those who serve as ex officio members. The CIC interview and selection process follows the procedures in its own procedure manual. Following selection of a member, the CIC advances its recommendation to the Village President. The Village President then advances that recommendation to the Village Board. Members are appointed by majority vote of the Village Board.

C. Regulations Applicable to Chairs and Members

1. Open Meetings Act Training

All elected and appointed members of Village commissions must complete the Illinois Open Meetings Act training provided by the Public Access Counselor's Office of the Illinois Attorney General within 90 days of their appointment. Information on how to complete the training is available from the Village Clerk, the CIC or on the Illinois Attorney General's web site: <http://foia.ilattorneygeneral.net/>

Following completion of Open Meetings Act training, the member should provide a certificate of completion to the Village Clerk, who is responsible to maintain the certificates.

2. Attendance

The Village relies on the participation of commission members to advance the work of the Village. Regular attendance is also necessary in order for a commission to have a quorum for its meetings. Therefore, it is necessary for all commission members to commit to attend the monthly regular meetings and special meetings.

a. Early Intervention

In the case where a member misses two consecutive meetings, or three meetings in a 12 month period, the chair will contact the member to determine the reason for the absences and if continued attendance is possible. In appropriate circumstances, a member who requests to be placed on a temporary leave of absence may be granted a leave of absence for no more than three months. The chair may also suggest that the member submit a resignation until the circumstances preventing

his or her attendance are resolved. If a member in fact resigns, the member may then reapply to serve on the commission at a later date.

b. Next Steps

If a member does not wish to resign but misses three consecutive meetings or four meetings in a 12 month period, the CIC liaison, Village Clerk, commission chair and trustee liaison will determine whether to make a request to the Village Board that the member be removed from the commission in accordance with the removal process set forth below.

3. Leaves of absence

A member may request a leave of absence for up to three months. The request must be based on a compelling reason, such as a medical illness, the birth of a child or an unusual extended out of town work project. The chair will determine whether to grant the leave of absence and shall notify the CIC liaison, the Village Clerk, Village President and Board of the leave request. Because regular attendance is necessary to conduct the work of the commission, leaves of absence are not guaranteed. Members officially placed on leave of absence are not counted toward the number of members of the commission for purposes of determining a quorum for meeting purposes. Members who do not return after the expiration of their leave of absence will be considered to have resigned. The leave must be granted in writing by the chair and shall include the start and end dates for the leave of absence. A granted leave of absence shall be noted in a commission's meeting minutes.

4. Removal

A member may be removed from a commission for the following reasons:

- Failure to maintain regular attendance as described above;
- Violation of the Village's Conflicts of Interest and Ethics Ordinance, including failing to recuse oneself when legally required to do so²;
- The existence of a conflict of interest which necessitates the member's recusal from a majority of the commission's work;
- When a commissioner's conduct or inappropriate language either; a) interferes with the commission's ability to accomplish its work, or b) is disrespectful to visitors appearing before the commission;
- Moving out of Oak Park;
- Making false statements of fact to the commission or making false statements of fact about the work of the commission to the public; or

² Note that there are special rules applicable to the Historic Preservation Commission. Members of the HPC should refer to their own Rules of Procedure for conflicts of interest procedures.

- Repeated refusal to follow the rules of the member's board or commission.

Commission members are not subject to removal based on their opinion on any matter coming before the commission.

When cause exists to remove a member, the chair, the CIC liaison, the Village Clerk and the Trustee Liaison will review the facts and make a determination as to whether to forward a request to the Village President and Village Board to remove the member from service. The Village President will review the request and advance it to the Village Board. A member may only be removed from office by majority vote of the Village Board.

5. Resignations

A commission member may resign at any time by doing so in writing to the Village Clerk. The letter of resignation should have an effective date of the resignation. The Village Clerk will provide a copy of the notice of resignation to the CIC, the staff liaison, the chair and members of the commission, and the President and Board of Trustees. The resignation shall be final upon the date that the resignation is sent or the date that the Village Clerk receives the resignation. The Village Clerk shall provide an acknowledgement of the resignation. Should the member seek reappointment, the reappointment must be confirmed by the Village President and Board of Trustees in the same manner as initial appointments.

Chairs may resign their role as chair and remain a member of the commission if there is a vacancy in membership and if they have not exceeded the term limit for membership.

If a chair resigns and no new candidate is appointed by the Village Board, the members of the commission may select a temporary chair until the vacancy in the chair position is filled. They may do so by a majority vote.

6. Term Lengths and limits

Term lengths are set forth in the commission's enabling ordinance.

Members may serve two consecutive terms on a commission. Chairs are limited to three consecutive terms, either two as a member and one as a chair, or one as a member and two as a chair. Appointments to a commission shall be for full terms. When a chair or member resigns or otherwise fails to serve a full term, the remaining period of that term expires. A person appointed to a commission to replace a chair or member who has resigned or otherwise failed to serve a full term shall be appointed to a full term and shall be eligible to serve an additional term or terms as applicable. A chair or member's final term beyond a term limit provided above under one of the following conditions: (1) if the chair or member's failure to continue to serve on the applicable commission would negatively impact the completion of a special project or other matter; or (2) if the chair or member possesses professional qualifications which are required for

service on the applicable commission and another person with such qualifications has not applied to serve on the commission. An extension of a term may not exceed twelve (12) months. A chair or member who has completed his or her service on a commission pursuant to an applicable term limit may apply to serve on another commission at any time, or may apply to serve on the same commission on which he or she served upon a twelve (12) month waiting period after the expiration of that chair or member's term.

D. Ex Officio Members

An ex officio member of a commission is a member who sits on the commission by virtue of his or her job or office. Ex Officio members are not appointed. Rather, they are automatically members of the commission by virtue of their office. For example, the Chief of Police is an ex officio member of the Emergency Telephone System Board. Ex officio members leave the commission when they leave their job or office. Unless otherwise specified in the commission's enabling ordinance, ex officio members have full voting rights and the same responsibilities as any other member of the commission. They are not subject to removal or to term limits. No commission overseen by the CIC includes ex officio members, but the CIC does maintain records for these other commissions.

E. Student Members

Some commissions may accept a member who is a junior or senior in high school. Such a member has all the rights and responsibilities of a member, but serves only for a one year term. A student member must be an Oak Park resident but need not attend an Oak Park high school. A student member may serve a second one-year term if (and only if) they are still in high school at the end of their first term. A student member who leaves high school during their term may serve the remainder of that term, but cannot serve another term.

F. Staff Liaisons

Each commission has a staff liaison. The staff liaison is the Village employee whose area of responsibility is most directly connected with the role of the commission. The staff liaison provides services and professional input into the work of the commission. Staff liaisons are appointed by the Village Manager with input from the commission.

The staff liaison has the following duties:

- Prepare and post the agenda for each meeting at least 48 hours in advance of the meeting as required by the Open Meetings Act. The agenda shall be prepared in cooperation with the chair.

- Create the agenda packet in advance of the meeting and distribute it to the chair and commission members.
- Keep minutes during meetings or arrange for a minute taker at meetings.
- Make sure minutes are prepared in draft form and distributed to the commission for review and adoption at its next meeting.
- Deliver approved minutes to the Village Clerk and Communications Director for proper record-keeping and posting in accordance with the Open Meetings Act.
- Reserve and set up meeting rooms for commission meetings.
- Coordinate communication and public information materials with the Village's Communications Director.
- Coordinate any other necessary administrative support.
- Provide professional input in to the work of the commission.
- Work with the commission chair to create the necessary agenda commentaries and related materials to submit commission recommendations to the Village Board of Trustees for final action.
- Make all purchases for the commission in accordance with Village purchasing policies and ordinances.

Questions about staff liaisons shall be addressed to the Village Manager. Commissions may request staff support, but may not assign work or direct the work of the staff liaison. Unless the commission's enabling ordinance makes them an ex officio member, staff liaisons are not members of the commission and do not vote on commission business.

G. Trustee Liaisons

Every commission has a trustee liaison from the Village Board. The trustee liaison is appointed by the Village President. This elected official is the Commission's contact person with the Village Board and carries the Board's initiatives to the commission for inclusion in its work plan. Elected officials may attend meetings of the commission, but do not deliberate or vote on commission business. The liaison assignments are made relatively early after the election of a new Village Board, and may change.

H. Citizen Involvement Commission Liaisons

Each commission whose members are appointed by the CIC has a CIC liaison. The CIC liaison usually attends at least one meeting every three months. If unable to

attend, the liaison will stay aware of the current affairs of the commission. The CIC liaison does not vote on commission business. The role of the CIC liaison is to help commissions with the effective functioning of the commission, assist with understanding the rules of this manual, coordinate the recruitment, appointment and resignation of the chair and members and assist with any membership or governance issues of the commission.

CHAPTER 3 - Expenditures

A. Village Budget

The Village Code and state law controls the way in which the Village is authorized to spend Village funds. All expenditures of Village funds must be previously budgeted. Therefore, a commission that anticipates incurring expenses in support of its work must prepare an annual budget request detailing those expenditures. This budget request will be developed with the staff liaison in coordination with the department's deadline for submitting the budget for the following year. This is typically done in the late summer or fall for the following fiscal year. In addition to the budget submittal to the Village Board, the commission should include any anticipated expenses in connection with commission plans in its annual work plan. Commission budgets for routine administrative support are included as part of the Village's budget for Advisory Boards and Commissions. Extraordinary expenses for projects are included in the staff liaison's department budget. The Village Board adopts the annual budget prior to fiscal year in which the expenses are incurred. The Village Board adopts an annual budget by ordinance and has discretion to accept or reject any requested budget item.

B. Purchasing Policies

All purchases made by the Village must follow the Village's purchasing ordinance and purchasing policies. Therefore, the staff liaison is responsible to make any purchases of goods or services as approved in the commission's work plan in accordance with these authorization practices. Commission members do not have authority to expend Village funds directly. The Village has a petty cash reimbursement process for amounts under \$50. It is the staff liaison's responsibility to determine in advance of any purchase whether that purchase will be processed through the petty cash reimbursement process as even petty cash items must be previously budgeted.

C. Authorized Expenses

In general, the Village does not provide reimbursement for refreshments at regular meetings and never allows taxpayer funds to be used to purchase alcoholic beverages. The Village does not reimburse commission members for educational materials or conferences.

Typical expenses may include those to support larger projects of the commission, such as public art initiatives or hiring consultants to complete historic preservation projects, or more minor expenses such as costs associated with publishing public notices, paying for court reporters, expenses related to minutes preparation, printing, and costs for events hosted by a commission can be requested as part of its approved work plan. Expenses for the use of public spaces or other expenses related to holding a public event should be included in the work plan budget.

Should a commission anticipate expenditure not approved in the Village's annual budget, the staff liaison may submit a budget amendment request to either the Village Clerk or the staff liaison, depending on the nature of the request. The Clerk or staff liaison has discretion to advance that request to the Village Manager for approval by the Village Board in accordance with the Village Board's adopted budget amendment procedure. If the Village Board rejects a budget amendment, the commission will not be authorized to spend the money.

D. Grants

Commissions who wish to pursue grant opportunities should coordinate that activity with their staff liaison. Grant ideas should be linked to advancing the commission's work plan. Because any award of grant funds must be incorporated into the Village's budget and accounting system, the staff liaison must apply for any grant funding. Those funds are considered Village funds and must be expended in accordance with the terms of the grant and the Village's purchasing policies.

E. Fees

A commission may not impose a fee for any goods or services.

CHAPTER 4 Conducting Commission Meetings

Most commissions have one regular meeting per month on a fixed date established at the beginning of the year. Commissions may also hold special meetings, which are any meetings other than the pre-scheduled regular meetings. The Open Meetings Act is the State law that sets forth the basic legal requirements for how these meetings must be conducted. It is the responsibility of the Chair to see that meetings are conducted in accordance with the Open Meetings Act.

A. Public Notice/Agenda

The Open Meetings Act requires prior notice to the public. This notice consists of the agenda. The agenda must be posted at least 48 hours in advance of the meeting. The notice must be posted at the location of the meeting, as well as on the Village's web site.

1. Contents of the agenda

Regular meeting agendas must state the time, place and location of the meeting, include an opportunity for public comment, and state the topics to be discussed at the meeting. It is the responsibility of the staff liaison to prepare and post the agenda for a meeting. The Chair will use the agenda to conduct the meeting as it sets forth the order of business. Typical agenda layout is as follows:

- a. Call to Order. The first topic on the agenda is the “Call to Order.” The chair announces that the meeting is called to order and takes the roll.
- b. Approval of the agenda. The second item on the agenda must be the approval of the agenda itself. This is done by asking for a motion to approve the agenda, a second, and then by voice vote following the discussion of any changes. Nothing new may be added to an agenda during the agenda approval process because it is necessary to post the topics 48 hours in advance. However, items may be moved around or removed from the agenda during the agenda approval process. While there is some flexibility in the order in which agenda items are handled, the best practice is to suggest any reordering at the beginning of the meeting during the agenda approval process.
- c. Approval of minutes. Minutes of previous meetings should be approved at the next meeting.
- d. Public comment. All regular meeting agendas must provide for public comment. See specifics below.
- e. Discussion Topics. The agenda must set forth the general subject matter of each subject to be discussed and acted on at the meeting. Meetings may not be open-ended - the topics to be discussed must appear on the agenda. Each agenda item must be described as a separate entry on the agenda. A good rule of thumb is to describe topics on the agenda by giving a hypothetical uninformed but interested citizen enough information on what will be discussed to allow them to decide whether they want to attend the meeting. Agenda items shall not use code numbers or abbreviations (unless accompanied by explanations). References to discussions at previous meetings shall mention the topic of the discussion, i.e., “New Business.” Agendas may contain an item for “new business.” This is an opportunity for members to introduce topics for consideration and action at a future meeting. Because the topic “new business” does not give the public any information on the nature of a topic of discussion, it is insufficient public notice for the full consideration of a topic. Therefore, it is an opportunity to introduce new topics but not to fully deliberate or make decisions on the topic.
- f. An agenda for a regular meeting of a commission with active subcommittees must also have an entry for “Subcommittees”, with a sub-entry for each

subcommittee. This is an opportunity for the subcommittee to report on the status of its assigned activities.

- g. Adjourn. The last item on the agenda is adjournment. At the end of a meeting, the chair asks for a motion to adjourn. After the motion is made and seconded, a voice vote is taken and the meeting is adjourned. No business of the commission should be discussed after the meeting is officially adjourned.
- h. Every agenda must also include required ADA (Americans with Disabilities Act) language.

A sample agenda is attached as Appendix B.

The Village Clerk should be notified of all meetings and public hearings so that the agenda may be posted in accordance with the Open Meetings Act. The Village Clerk and the Communications Department are responsible for the posting, dissemination to the media, and publication of all agendas and notices of public hearings.

2. Public Hearings

Certain commissions are required by ordinance or state law to hold public hearings.

The notice, publication, and hearing requirements for public hearings are in addition to the Open Meetings Act requirements. Commissions that hold public hearings should refer to their own rules and regulations which contain additional notice requirements for public hearings. If there is any doubt about the propriety of a commission holding a public hearing, the chair should contact the Village Attorney.

B. Meetings

According to the Open Meetings Act, the definition of a “meeting” includes not just the regular and special meetings of the commission, but also “any gathering of a majority of a quorum of the members of the board, held for the purpose of discussing public business.” The Open Meetings Act controls any such gathering, in addition to the regular and special meetings of the board.

1. What is a Quorum?

In order to conduct a regular or special meeting, a quorum of the commission must be present. The word “quorum” simply means a majority. For purposes of the Village’s advisory boards and commissions, a quorum is a majority of the members of the board or commission who are currently appointed, rather than a majority of the number of members on the commission as established in the enabling ordinance. For example: if the enabling ordinance of the ABC Commission specifies that it has 13 members, but it currently has 11 members, a quorum of that commission is six. Half of its current membership (11) is 5½, so it must have six members present to achieve quorum. If another member is

appointed, it will then have 12 members. Half of its membership would then be six members, so seven members would have to be present to achieve quorum. This is the quorum unless the Village ordinance sets a different number as a quorum for that particular commission.

For any commission with five members, the necessary quorum to conduct business is three.

2. What happens when there is no quorum at a meeting?

According to Robert's Rules and the Open Meetings Act, when a quorum of members is not present for a meeting and only a majority of a quorum is present, the commission may only take one of the following actions:

- a. Take measures to achieve a quorum. This means calling members to see if they are running late or waiting for them to arrive. Members are expected to arrive at meetings on time. However, commissions should wait at least 10 minutes after the scheduled meeting time before adjourning the meeting for a lack of a quorum.
- b. Take a recess (wait for additional members to appear.)
- c. If no quorum is present, discussion can occur but no votes can be taken.

3. Canceling a Meeting

If the chair or staff liaison discovers in advance that a quorum will not be present, the meeting may be canceled in advance. The Village Clerk should be notified of the cancellation, and if the meeting was to be held in a location other than Village Hall, the host of the meeting site should also be notified. A sign should be posted on the door of the room to notify the public that the meeting has been cancelled. Any staff present at the location of the meeting, such as the Village Hall security guard, should also be notified.

4. Loss of Quorum

A quorum lasts only as long as sufficient commission members are physically present. If the number of members present drops below the number required for a quorum (other than during a declared recess) the official meeting is over. No further votes may be made. This forced adjournment must be noted in the minutes.

5. Calculating A Quorum/Majority Of A Quorum

The following table provides a guide to what constitutes a quorum and a majority of a quorum.

Number of sitting members on commission	Quorum = Required attendance at a meeting	Majority of Quorum = Number who cannot meet without properly posting the meeting
3	2	2
4	3	2
5	3	2
6	4	3
7	4	3
8	5	3
9	5	3
10	6	4
11	6	4
12	7	4
13	7	4

6. Electronic Attendance at meetings

In some cases, members of a commission may attend a meeting electronically. First, it is necessary that a quorum of the members of the commission be physically present at the meeting in order for the meeting to be conducted. If so, then other members may attend electronically.

There are limited reasons a member may attend electronically: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency. If a member wishes to attend a meeting by electronic means, the member must notify the recording secretary or clerk of the public body before the meeting unless advance notice is impractical.

7. Gatherings to Discuss Public Business.

As noted above, the Open Meetings Act's requirements apply to "gatherings of a majority of a quorum for the purpose of discussing public business." Any time a majority of a quorum (a majority of a majority) of a commission "gathers together" for the purpose of discussing public business, that gathering is subject to the Open Meetings Act.

Gatherings of a majority of a quorum to discuss public business are not permissible unless the gathering is done at a properly posted meeting. “Gathering” does not just mean meeting in the same place. It also includes having conversations in person, by phone, or by text, email or other electronic means, to discuss the business of the commission. Because of this rule, commission members may not “gather” together outside of the meeting context if more than a majority of a quorum will be present. They may not discuss the business of the commission by group email. Email may be used for scheduling purposes and to ascertain whether there will be a quorum, but not to discuss the subject matter of a meeting. Individual members may email the chair or other members with a comment, but should not discuss the business of the commission by email to other commissioners. Similarly, commission members should not post comments on Facebook or use other forms of social media to discuss the business of the commission with each other. Commission members may discuss the work of the commission with the public, except if the matter being discussed is part of a quasi-judicial public hearing where the commissioner’s decision is limited to the evidence presented. These types of public hearings are increasingly rare and the rules related to these “ex parte” conversations should be included in the rules and regulations of those commissions which conduct formal public hearings.

On the other hand, the Open Meetings Act does not prohibit “gatherings” which are not for the purpose of public business. This means that it is permissible for more than a majority of a quorum to attend block parties or other social events together, attend church or temple together, or belong to the same club, so long as they do not discuss the business of the commission during these gatherings.

Less than a majority of a quorum (2 out of 7) may meet together outside a public meeting to discuss public business.

C. Time And Place

At the beginning of the year, each commission must set the date, time and place of its regular meetings for the year. Additional meetings or rescheduled meetings may take place throughout the year, without being scheduled at the beginning of the year, so long as the regular public notice requirements are followed.

Commission meetings are typically held at Village Hall. Meetings must be held in a place and at a time convenient to the public. For example, meetings cannot be held at someone’s house or at a site that is not ADA accessible. Meetings where a large attendance is expected are required to be held in places reasonably large enough to accommodate the crowd. For example, if the Plan Commission is scheduled to consider a controversial topic, its meeting must be held in a space large enough to accommodate the anticipated crowd.

Meetings are typically held at night in order to accommodate the schedules of the commission members and the public. The Open Meetings Act requires that meetings not be held at odd times of the day, like 5:00 a.m., or on legal holidays. It is the practice of the Village not to schedule regular meetings of any public body on legal holidays or religious holidays.

D. Minutes

1. Keeping Minutes

All boards and commissions must keep written minutes of all their meetings, whether open or closed, and a verbatim record of any closed meetings in the form of an audio or video recording. It is the responsibility of the staff liaison to either take minutes personally or to arrange for a minute taker at the meetings.

At a minimum, minutes must include:

- a. The date, time and place of the meeting;
- b. The members of the public body recorded as either present or absent, and whether the members were physically present or present by means of video or audio conference;
- c. A summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken. The minutes should be in summary, rather than verbatim form. Minutes need not be a verbatim recording of the comments of each member, but a general description of the business conducted at a meeting, including a summary of the public comments received; and
- d. The time the meeting ended.

If no staff member is present to take minutes, a member of the commission must take the minutes. Minutes must be prepared after each meeting.

2. Approval of Minutes

Following the meeting, the minute taker will prepare formal minutes from the notes taken or recorded at the meeting. The staff member will provide these formal minutes to the commission as part of the packet for the next meeting. Commissions shall vote to approve the minutes of their meetings no later than 30 days after that meeting, or at their second subsequent regular meeting, whichever is later.

3. Documents

Any document that was presented as part of the agenda packet for a meeting, or a document received, created, or used by a commission during the meeting, must be submitted with the minutes of the meeting in which it was presented. The

documents are kept with staff liaison. The minutes should contain a list of all documents submitted.

E. Joint Commission Meetings And Attendance At Other Meetings

From time-to-time, two or more commissions will have a joint meeting. The Open Meetings Act governs these meetings such that the ordinary rules must be obeyed, with certain modifications.

The chair of a joint meeting must be one of the chairs of the participating commissions. If all the chairs are unable to attend, a motion should be made to select a chair for the meeting and one seconded, a voice vote should be taken on the motion. A roll call vote is not necessary to select a chair. A joint meeting only has a quorum if each participating commission has a quorum. If one commission has a quorum and the other does not, the latter has an open meetings problem because they are there to discuss public business. Therefore, both commissions must have a quorum.

Joint meetings will be special meetings. If matters will be voted on at these meetings, each commission must have a separate vote where only members of that commission may vote. To pass a motion of the entire joint meeting, the same motion must be made, seconded, and voted upon by each attending commission.

It is also permissible for less than a majority of a quorum of a commission, such as one or two members, to attend meetings of another commission, in which case it is not necessary to have a quorum of the visiting members. Members of a commission attending any other commission meeting are guests of the meeting who will be called on to speak by the chair or may speak during public comment.

F. The Public

1. Non-Agenda Public Comment.

All public meetings must allow time for non-agenda public comment. This non-agenda public comment requirement is different from the public's right to speak on a matter posted on the agenda or to offer evidence at a hearing.

A commission may limit non-agenda public comment to matters under the commission's jurisdiction. In addition, commissions may restrict public comment to three minutes per individual, with the total time allotted for non-agenda public comment limited to no longer than 30 minutes. There is no requirement to respond directly to public comments, but rather, to listen and receive the information. Public comment shall not be used to discuss an item of business not properly listed on the agenda. Therefore, it should not turn into a debate or a full discussion of the topic because the topic was not posted on the agenda 48 hours in advance of the meeting as required by the Open Meetings Act.

Members of the public who wish to speak may notify the chair before the meeting, or may come forward at the time of the public comment portion of an agenda. Each speaker must begin by giving their name and address. This information must be noted in the minutes of the meeting along with a synopsis of the comments. The order of the speakers is left to the chair, but all speakers must be heard except as limited above.

The time limits on public comment should be announced before the speaker begins to speak. The board need not allow an individual to speak at the meeting if they were not present during the public comment portion of the meeting.

2. Agenda related public comment

Members of the public who wish to provide input into a topic to be considered by a commission should be recognized and given the opportunity to speak. Members of the public who are not able to attend a meeting may submit their comments in writing and provide them to the chair or the staff liaison who will read the comments at the meeting

3. Public's right to record meetings

Any person may record an open meeting by tape, film or other means, except as stated below. The commission may set reasonable rules to govern the right to make such recordings so that the recording does not interfere with the business of the commission.

Exception

There is a technical exception for public hearings, where an individual who is recording a meeting may be directed to stop recording if a witness refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised or if motion pictures are to be taken of him while he is testifying. (See S.8-701 of the Illinois Code of Civil Procedure.)

G. Closed Meetings

The Open Meetings Act requires that all meetings of public bodies be open to the public unless they fall under the limited exceptions in the Open Meetings Act and are closed using the procedures set forth in the Act. Commissions will rarely have occasion to hold closed meetings.

1. Permitted Topics of closed meetings

The Open Meetings Act provides limited reasons to hold closed meetings (“executive sessions”). Due to the nature of their work, commissions rarely conduct closed meetings. As it relates to commissions, the authorized topics for a closed meeting will fall under one of the following Open Meetings Act exceptions (section numbers refer to subsections of the Act):

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. (CPOC and BFPC)

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement (Community Relations).

2. Procedure for closing a meeting

- a. The meeting must start as an open meeting for which notice is given.
- b. Either the whole remainder of the meeting may be in executive session, or the board may conduct part of a meeting in executive session.
- c. The President or Chair of the body may ask for a motion to go into executive session and state the specific exemption pursuant to the Open Meetings Act under which the meeting is permitted. For example, a motion to go into executive session to discuss evidence or testimony presented in an open hearing, should be, “Can I have a motion to go into executive session for the purpose of [recite provisions of the Act].” There must be a motion and a second to go into executive session, approved by a roll call vote of a majority of the quorum present.
- e. If the topic of the executive session is planned, it should be posted on the agenda. However, a closed meeting does not have to be posted on the agenda if it follows an open meeting. In other words, if a matter arises during a regular meeting which is authorized to be discussed in executive session, the board may move to go into executive session even though it was not previously posted on the agenda.
- f. Only topics specified in the vote to close the meeting may be considered during the closed meeting.

No final action shall be taken in a closed meeting. Any vote resulting from consideration during a closed meeting must be held during an open meeting.

3. Closed Meeting Minutes

Closed session minutes may be discussed in closed session. Minutes of closed meetings must be reviewed at least every six months to determine whether there is a continued need to keep the minutes confidential, or that the minutes or portions of minutes may be made available to the public.

H. Use Of Electronic Devices During Meetings And Hearings

Ethics rules and principals of open government prohibit members of boards and commissions from using electronic communication devices to discuss the topic under consideration during the meeting with others - including absent or present members of the commission. In order to respect the business of the meeting, members should refrain from using electronic communication devices for other non-emergency purposes during meetings. Commissions conducting a public hearing are also prohibited from communicating about the subject of the hearing in person or by electronic means until the hearing process is concluded and the board has made its decision. Texts and emails sent from personal accounts during a meeting are subject to being released to the public in accordance with the Freedom of Information Act.

I. Parliamentary Procedure (Motions And Voting)

In general, meetings should be conducted using the basic parliamentary procedures set forth in the latest version of Robert's Rules of Order. Commissions, and especially chairs, should be generally familiar with Roberts Rules, but need not strictly adhere to all the rules, as the meetings are expected to be somewhat less formal than meetings of the Village Board. Commissions should, at a minimum call the meeting to order, take and record the roll, require a motion and a second to approve the agenda by voice vote, and a motion and a second to begin discussing any item and a vote at the end of any discussion where the commission has reached the point of final action on the item. Finally, commissions should have a motion and a second to adjourn, followed by a voice vote.

The chair may ask for a motion on any matter, but the chair does not make or second a motion. The chair may vote on any motion or matter before the commission.

The chair determines the level of adherence to Robert's Rules, and that level of formality should be consistently applied. (For example, it would not be consistent to require some members to be recognized before speaking, while allowing others to speak at will.) A commission must follow Robert's Rules for its final recommendations. Therefore, while no formal vote is necessary to ask staff to collect information, such a vote is required to decide upon the commission's final recommendation to the Village Board on any item.

Basic Parliamentary Procedures are provided in Appendix C.

CHAPTER 5: SUBCOMMITTEES

A. Definition of a Subcommittee

The Village Code creates certain subcommittees of commissions. These subcommittees are public bodies subject to the Open Meetings Act and have specific duties. Commissions may also create their own subcommittees.

Formally created subcommittees constitute public bodies and are subject to the Open Meetings Act without regard to their size in relation to the larger commission and an agenda needs to be published and posted for subcommittee meetings.

B. Limitations of a Subcommittee

The role of a subcommittee should be clearly defined as an identified task or project. A subcommittee must not give itself extra tasks outside those assigned by the commission or ordinance.

Subcommittees formed for purposes of conducting research or working on a project should report the status of the project and the results of its findings to the full commission. The full commission will then make any recommendation to the Village Board.

C. Structure of a Subcommittee

Every subcommittee must have a chair. The chair has the same responsibilities to the subcommittee that the chair of a commission has to that commission, except as modified below. The chair of a commission may be a member of a subcommittee without being the chair of the subcommittee. If the subcommittee holds a vote, all such members may vote. Each subcommittee must have a specific number of members, which must be specified at the time of creation. In order to resolve tie votes, this number, including the chair, should be an odd number. A subcommittee may only hold meetings when a quorum of its members are present. A quorum for a subcommittee, unless specified otherwise in the commission's enabling ordinance, is defined the same way that a quorum is defined for the commission itself. (That is, more than half the members of the subcommittee.)

A subcommittee may also have experts and citizen assistants, just as a commission may have them. They are not members, and do not vote on subcommittee business. Unless specified in its enabling language, a commission may replace the chair of a subcommittee or alter the number of members by vote at any meeting.

D. Subcommittee Reports at Regular Meetings

If a commission has an existing subcommittee, the commission's agenda should list subcommittee reports as a topic on the agenda so that the subcommittee makes a report to the full commission.

CHAPTER 6 Conflicts of Interest and Ethics

Members of boards and commissions are required to follow Sections [2-25-8](#) through [2-25-12](#) of the Village's Conflict of Interest and Ethics Ordinance. The purpose of the Conflicts of Interest and Ethics Ordinance is stated as follows:

Elected and appointed officers should, in all cases, exercise their judgment and perform their duties for the sole benefit of the citizens of the Village. To this end, all such persons should avoid accepting or retaining any economic benefits or opportunities which could impair or present an actual threat to the exercise of independent judgment. It is further the policy of the Village that all appearances of impropriety shall be avoided. The Board of Trustees hereby determines that a policy setting forth ethical principles and regulations applicable to public officials and employees is in the best interests of the Village and will contribute to the public confidence in the integrity, ability and performance of said persons.

The Conflicts of Interest and Ethics Ordinance is attached as Appendix D. All newly appointed and existing members of commissions should read and become familiar with the Conflict of Interest and Ethics Ordinance and sign an oath agreeing to follow it, which oath shall be kept on file in the Village Clerk's Office. Any questions on ethics or conflicts of interest should be directed to the Village Attorney.

APPENDIX A

ENABLING ORDINANCES AND REFERENCES TO STATE LAW

The following list gives the locations where the enabling language (and other relevant laws) may be found for the list of commissions as of the date of issuance of this document.

Commission	Relevant Laws
Board of Fire and Police Commissioners	65 ILCS 5/10-2.1-1 Chapter 2, Article 28
Board of Health	Chapter 20, Article 2 of the Village Code
Building Codes Advisory Commission	Chapter 2, Article 20 of the Village Code
Citizen Involvement Commission	Chapter 2, Article 35; Manual for Chairs
Citizen Police Oversight Commission	Chapter 2, Article 30 of the Village Code
Civic Information Systems Commission	Chapter 2, Article 26 of the Village Code
Community Design Commission	Chapter 2, Article 18 of the Village Code
Community Development Citizens Advisory Committee	Chapter 2, Article 34 of the Village Code and Chapter 13, Article 2, Section 4.
Community Relations Commission	Chapter 2, Article 19 of the Village Code
Disability Access Commission	Chapter 2, Article 33
Environment and Energy Advisory Commission	Chapter 2, Article 21 of the Village Code
Farmers Market Commission	Chapter 18, Article 2, Section 11 of the Village Code.
Historic Preservation Commission	Chapter 2, Article 23. Chapter 7, Article 9.
Housing Programs Advisory Commission	Chapter 2, Article 31

Liquor Control Review Commission	Chapter 3, Article 2.
Plan Commission	65 ILCS 5/11-12-1 Chapter 2, Article 17. Oak Park Zoning Ordinance.
Public Art Advisory Commission	Chapter 2, Article 22.
Retail Support Commission	OPVBR 1990-6-18
Transportation Commission	Chapter 2, Article 15
Zoning Commission/ Zoning Board of Appeals	65 ILCS 5/11-13-2 65 ILCS 5/11-13-3. Oak Park Zoning Ordinance

APPENDIX B
SAMPLE AGENDA



AGENDA

Historic Preservation Commission

Thursday, November 14, 2013
Oak Park Village Hall, 123 Madison Street
Council Chambers, 7:30 p.m.

ROLL CALL

AGENDA APPROVAL

NON-AGENDA PUBLIC COMMENT

MINUTES: October 10, 2013

REGULAR AGENDA

- A. **HPC 13-27: 241 S. Elmwood Avenue (Cotter)** – Certificate of Appropriateness for garage alterations (*Historic Landmark*)
- B. **HPC 13-28: 125 S. Scoville Avenue:** Advisory Review for construction of a new single-family home on a vacant lot (*Ridgeland/Oak Park Historic District*)
- C. **HPC 13-29: 124 S Taylor Avenue (Baronger Group)** : Certificate of Appropriateness to move the side entrance of a two-flat conversion to single-family (*Ridgeland/Oak Park Historic District*)
- D. **HPC 13-36: 824 N. Elmwood Avenue (Baronger Group)** : Certificate of Appropriateness for a rear two-story addition (*Frank Lloyd Wright-Prairie School of Architecture Historic District*)
- E. **Energy Audits and Historic Preservation:** Presentation by John Porterfield of eZing
- F. **2013 Historic Preservation Awards** – Preview of 2013 award recipients, event update

OTHER BUSINESS

Staff Approvals: Report on October 2013 Staff permit approvals

CONSENT AGENDA

ADJOURN

APPENDIX C

BASIC PARLIAMENTARY PROCEDURES

Open the Meeting/Debate:

1. The chair calls the meeting to order.
2. No debate on an agenda item is in order until a motion is before the meeting. A motion should be made and seconded pursuant to the procedures below. Once the motion is stated, it is properly before the commission.

Making Motions:

When a question is under debate, no motion shall be made or received except:

1. To take a recess
2. To reconsider
3. To lay on the table
4. To call the question/end debate
5. To postpone
6. To amend
7. To adjourn

Motions to Amend:

A motion to amend must be germane to the original motion. Words can be added, inserted or struck, or an entire motion on the same subject can be substituted. An amendment is adopted by majority vote. Once an amendment is adopted, debate resumes on the motion.

Seconding Motions:

All motions must receive a second. A member who seconds a motion need not be recognized by the chair. The member who seconds a motion simply must state, "I second the motion."

Withdrawing a Motion:

A member who has made a motion may withdraw it before it is has been stated by the chair. If a motion has been stated by the chair, the mover may obtain the floor and seek permission to withdraw the motion. The chair may attempt to obtain consent by unanimous vote for the withdrawal of the motion or may ask for a roll call vote.

Member Remarks:

1. A member wishing to speak should ask to be recognized by the chair. The chair will recognize the member by name giving the member the right to speak.

2. The member who speaks should limit his or her remarks to the motion under discussion and address his or her remarks to the chair.

Ending Debate/Calling the Question:

Debate on a question may be ended by a member calling the question. This is done by a member receiving recognition from the chair stating, "I move to call the question." The chair then asks for a second. If there is a second, the chair asks if there is any objection. If there is an objection, a roll call vote is taken and a two-thirds majority is required to close debate. The commission then proceeds to vote on the matter.

Voting:

Voting can be accomplished by either voice vote/unanimous consent (i.e., all those in favor/all those opposed) or by roll call vote. Roll call vote proceeds as follows: the question is stated and the roll is taken on the yeas and nays by the commission secretary. The chair or the secretary then states the results of the vote and the secretary records the vote. A roll call vote should be taken on any main motion agenda items or to enter into closed session. A roll call vote is not necessary on a motion to adjourn.

APPENDIX D

Article 25

CONFLICT OF INTEREST AND ETHICS

2-25-1: STATEMENT OF POLICY: It is the policy of the Village that its employees and elected and appointed officers should, in all cases, exercise their judgment and perform their duties for the sole benefit of the citizens of the Village. To this end all such persons should avoid accepting or retaining any economic benefits or opportunities which could impair or present an actual threat to the exercise of independent judgment. It is further the policy of the Village that all appearances of impropriety shall be avoided. The Board of Trustees hereby determines that a policy setting forth ethical principles and regulations applicable to public officials and employees is in the best interests of the Village and will contribute to the public confidence in the integrity, ability and performance of said persons.

2-25-2: ETHICS COMMITTEE OF THE VILLAGE BOARD:

- A. Creation; Terms: There shall be created an Ethics Committee of the Village Board which shall have the duties and powers, unless otherwise provided, to hear complaints and rule upon the appropriate disposition of the ethics ordinance. The Committee shall consist of the Village President and all of the Village's Trustees then holding office. The Village President shall serve as Chairperson and shall preside over all Committee meetings and may call special Committee meetings as needed, but otherwise shall have power equal to that of other Committee members. In the event that the Committee is considering ethical issues involving one or more Trustees or the Village President, the officers involved shall recuse themselves from participation on the Ethics Committee with regard to such issues and the remaining Trustees or President and Trustees shall comprise the entire Ethics Committee with regard to the consideration of such issues. In the event that the President must recuse him or herself, the remaining Committee members shall appoint a new, temporary Chairperson for this purpose.
- B. Duties: The Ethics Committee shall enforce the provisions of this article, including prosecuting and hearing complaints on violations of this article by elected or appointed officers and employees. The Committee shall also, upon request, advise the Village Attorney or other elected or appointed officers and employees on ethical questions. This includes rendering advisory opinions as described in section 2-25-12 of this article.

2-25-3: PERSONS AFFECTED:

- A. All of the provisions of this article, except as otherwise indicated, shall apply to all elected Village officials, to the Village Manager, Deputy Village Manager, Village Attorney and department and division heads. Other employees shall be governed by the personnel manual and the provisions of this article which specifically state that they are applicable to all employees. (Ord. 2012-0-64, 11-5-2012)

- B. Sections 2-25-8 through 2-25-12 of this article shall apply to all elected and appointed officers of the Village and to all employees of the Village.
- C. In addition to the provisions of this article, but consistent therewith, the Village Manager is hereby directed and authorized to promulgate such rules and regulations relating to outside employment, conflict of interest, or other ethical matters as he may deem necessary, which rules and regulations shall be applicable to all Village employees. The Village Manager shall prepare all forms for statements required by this Article, which forms shall be distributed to persons subject to this Article not later than thirty (30) days prior to the date set for filing.

2-25-4: DISCLOSURE OF REAL ESTATE:

Each person subject to the provisions of this Article shall file, with the Village Clerk, a statement disclosing direct or indirect ownership for any real property located within the corporate limits of the Village, owned by the person required to file or by the spouse or minor children of such person. Such statement shall include the legal description and common address of the real estate and shall indicate the ownership interest held in such real estate.

For the purpose of this Section, the ownership of a beneficial interest in real estate held in land trust, real property being purchased by contract or real property held by a corporation, an investment group or partnership in which the person filing, or the spouse or minor children of such person, shall own more than a five percent (5%) interest, shall be considered real property.

The property in which the person resides shall be exempt from the provisions of this Section, unless said property contains more than three (3) residential units.

2-25-5: DISCLOSURE OF BUSINESS INTERESTS:

Each person subject to the provisions of this Article shall file, with the Village Clerk, a statement disclosing employment of the person required to file, or of the spouse or minor child of such person by a business, firm or corporation doing business with the Village when compensation for such employment shall exceed five hundred dollars (\$500.00) per calendar year or an ownership of greater than five percent (5%), either direct or indirect by the person required to file, or by the spouse or minor child of such person, of a business, firm or corporation doing business with the Village.

2-25-6: DISCLOSURE OF OTHER EMPLOYMENT:

Each person subject to the provisions of this Article shall file, with the Village Clerk, a statement indicating all employment, for the previous calendar year, of the person filing the statement, and of the spouse and minor children of such person. Said statement shall include the name of the employing entity and the nature of the service rendered in the course of such employment.

The statement shall further disclose whether the person, spouse or minor child of such person performed any service for compensation for the Village other than that performed

in the person's official capacity with the Village or was associated with or employed by a business, corporation or partnership which received compensation from the Village for services performed for the Village.

2-25-7: FILING AND DISCLOSURE:

All disclosure statements described in Sections [2-25-4](#) through [2-25-6](#) of this Article shall be filed with the Village Clerk on or before May 1 of each calendar year, except as hereinafter set forth.

Persons already obligated to file disclosure statements pursuant to the laws of the State may file copies of said statements with the Village Clerk in satisfaction of the requirements of this Article, except that any information required by this Article and not contained on other filed statements, must be separately filed herein.

The disclosure statements described herein shall be kept for five (5) years, from the date of filing, by the Village Clerk. Except for employment information with regard to the spouses and minor children of persons required to file, said records shall be considered public records and accessible to citizens of Oak Park for the purpose of viewing and copying. Records containing employment information with regard to the spouse and minor children of persons required to file disclosure statements shall not be available for public inspection. A request to view records shall be made in writing, with a copy of said request given to the individual whose records are to be viewed. Nothing herein shall prevent the Village Clerk from establishing reasonable rules and regulations governing when the records may be viewed and from requiring a reasonable charge for copying any of said records.

2-25-8: NEW OWNERSHIP OF REAL PROPERTY:

- A. Policy Statement: The Village government licenses and regulates multiple-family dwellings in Oak Park so as to insure proper maintenance and also regulates in connection with the enforcement of fair housing regulations. The Village government is also involved as the mortgagee in loans to owners of real property and purchases single-family and multiple-family residences for rehabilitation and repair. Therefore, a potential conflict of interest exists where a person is in a decision making or regulatory position with the Village and owns or has an interest in local real estate, or is employed by someone who owns or has an interest in local real estate.
- B. Restrictions on Ownership of Real Property: The Village Manager, any attorney employed on a permanent basis by the Village, department heads and other Village employees as designated by the Village Manager as being involved in regulation of housing and building on behalf of the Village, including the spouses of such persons, shall not be employed by or otherwise receive a direct benefit from an association with the owner of any licensed multiple-family dwelling within the Village and shall not purchase or contribute financially to the purchase of real property within the corporate limits of the Village, unless said person shall use the property as his place of residence and the property contains no more than three

(3) residential units, or shall use it as a residence for the employee's parents, parents-in-law or children and the property contains no more than one family unit. It is further the policy of the Village to encourage said persons to divest themselves of presently owned real property within the corporate limits of the Village except insofar as it is used as said person's or family's place of residence. Persons seeking employment in any position to which this restriction applies must be in compliance with this restriction prior to employment in said position. Exceptions may be made to the restrictions of this Section by the Board of Trustees where the Board finds that the purchase of real property or an interest therein will not involve the purchaser in any possibility of a substantial conflict of interest.

2-25-9: CONFLICTS OF INTEREST AND STANDARDS OF CONDUCT:

- A. Impartiality: Every elected and appointed officer and employee shall perform his or her duties with impartiality and without prejudice or bias for the benefit of all citizens of the Village. No officer or employee shall grant or make available to any citizen, including other officers or employees of the Village, any consideration, treatment, advantage or favor beyond that which is available to every other citizen.
- B. Prohibition Against Interests in Village Contracts and Business:
 - 1. No elected officer of the Village, whether paid or unpaid, shall have any interest directly or indirectly in any contract, work or business of the Village, except as permitted by 65 Illinois Compiled Statutes 5/3-14-4 of the Illinois Municipal Code.
 - 2. No employee of the Village shall have any interest directly or indirectly in any contract, work or business of the Village, except that any employee who is otherwise eligible under applicable Federal, State and/or local laws and program guidelines may participate in the Village's rehabilitation and diversity programs, including but not limited to the multiple-family and single-family residential rehabilitation programs, the Diversity Assurance Program, the Retail Rehabilitation Grant Program and the First Time Home Buyer Mortgage Assistance Program.
 - 3. Any financial or other personal interest, direct or indirect, which tend to affect the independence of judgment of said officer or employee shall be publicly disclosed.
- C. Prohibition Against Interests Which Are Incompatible With Official Duties: No elected or appointed officer or employee shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or which may tend to impair his independence of judgment or action in the performance of his official duties. For purposes of this Section, personal interest shall include the financial interest of the spouse or minor children of the elected or appointed officer or employee.
- D. Interest in Contract, Legislative or Administrative Action, Transaction, Zoning Decision, Permit or Licensing Decision, or Other Matter: No elected or appointed officer or employee having the power or duty to perform an official act or action, related to a contract, legislative or administrative action, transaction, zoning decision, permit or licensing decision, or other

matter which is, may be or has been the subject of an official act or action of the Village during the prior twelve (12) months shall:

1. Have or thereafter acquire an interest in such contract, legislative or administrative action, transaction, zoning decision, permit or licensing decision, or other matter, except as otherwise stated in this Section; or
 2. Have an interest in any business entity representing, advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract, legislative or administrative action, transaction, zoning decision, permit or licensing decision, or other matter, except as otherwise stated in this Section; or
 3. Have solicited or accepted present or future employment with a person or business entity involved in such contract, legislative or administrative action, transaction, zoning decision, permit or licensing decision, or other matter for a period of twelve (12) months following the Village's action on such matter; or
 4. Have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract, legislative or administrative action, transaction, zoning decision, permit or licensing decision, or other matter, or from a person who would receive a material benefit, direct or indirect, from same except:
 - a. An occasional consumable gift or an occasional nonpecuniary gift, with a value of less than fifty dollars (\$50.00);
 - b. A nonpecuniary award publicly presented in recognition of public service; or
 - c. Gifts from family members. No family member, however, may be used as a conduit for a gift which would not otherwise be permitted.
 5. Have encouraged, made or accepted any ex parte or unilateral application or communication where a determination is to be made after a public hearing and such person fails to make the contents of the communication a part of the record.
- E. Preacquisition of Interest: No elected or appointed officer or employee shall acquire an interest in, or an interest affected by, any contract, transaction, zoning decision, or other matter at a time when such officer or employee knew, or reasonably should have known, the interest will be directly or indirectly affected by an official act or action of such elected or appointed officer or employee.
- F. Appearances: No elected or appointed officer or employee shall appear on behalf of or against any private person, other than himself or herself, his or her spouse, or minor children, before any Village agency or municipal court, except for members of the Village Board, who may appear before Village agencies on behalf of Board member's constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations and in accordance with applicable provisions of Robert's Rules of Order. Such Board members shall not receive compensation for such appearances, other than compensation from the Village.

G. Disclosure of Interest in Legislative Action:

1. Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the record of the Village Board the nature and extent of such interest. For purposes of this Section, personal interest shall include an interest arising from blood or marriage relationships, or close business or political association.
2. Any other officer or employee who has a financial or personal interest in any proposed legislative action of the Village Board and who participates in discussion with or gives an official opinion or recommendation to the Village Board shall disclose on the record of the Village Board the nature and extent of such interest.

H. Disclosure and/or Use of Confidential Information: No elected or appointed officer or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village or use such information to advance the financial or other private interest of the officer or employee or others.

I. Public Property: No elected or appointed officer or employee shall request, permit or engage in the unauthorized use of Village-owned funds, vehicles, equipment, materials or property for personal convenience or profit.

J. Future Employment of Village Officers and Employees:

1. No elected or appointed officer or employee of the Village shall, directly or indirectly knowingly or wilfully negotiate the possibility of future employment with any person who has any matter pending before that officer or employee or before any body of which that officer or employee is a member.
2. No person who has a matter pending before an officer or employee of the Village, or before a body of which such officer or employee is a member, shall, directly or indirectly, knowingly or wilfully, negotiate the possibility of future employment of that officer or employee.
3. No officer or employee of the Village shall knowingly make, participate in making or attempt to use his or her official position to influence a decision involving the interests of a person with whom he or she has an agreement regarding future employment.

K. Attorney Restriction On Representation: No attorney representing the Village in any legal capacity may represent any interest against the Village.

L. Employee Purchase Of Village Owned Residential Property: Policemen, firemen and other employees shall be permitted to bid for and purchase residential property of three (3) units or less being sold by the Village, provided said property is to be used as the principal residence of said employees.

M. Employee Participation In Single-Family Rehab Loan Program: Police officers, firefighters and other employees, as defined in section 2-1-7 of this chapter, with the exception of the rehab supervisor, will be permitted to participate in the Village Single-Family Rehab Loan

Program, fully funded by Community Development Block Grant funds and regulated, generally, by Federal regulations set forth in 24 CFR part 570 and, specifically, by loan policy guidelines approved by the Housing Programs Advisory Committee of the Village Board. (Ord. 1993-0-24, 4-7-93)

- N. Adoption Of The State Officials And Employees Ethics Act: The regulations of section 5-15¹ and article 10² of the State Officials and Employees Ethics Act (hereinafter "the Act") is hereby adopted as required by reference and made applicable to the officers and employees of the Village to the extent required by 5 Illinois Compiled Statutes 430/70-5.
1. Solicitation Or Acceptance Of Gifts Prohibited: The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act, by an elected or appointed official or any employee of the Village, is hereby prohibited.
 2. Gift Ban: The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act, is hereby prohibited.
 3. Political Activities Prohibited: The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.
 4. Definitions: For purposes of this subsection 2-25-9N, the terms "officer" and "employee" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c).
 5. More Restrictive Provisions Prevail: This subsection 2-25-9N does not repeal or otherwise amend or modify any other provision of this article. To the extent that any other provision of this article relating to the solicitation and acceptance of gifts is less restrictive than any provision contained in section 5-15 and article 10 of the Act, as adopted in this subsection 2-25-9N, then the provisions of section 5-15 and article 10 of the Act, as adopted in this subsection 2-25-9N, shall prevail in accordance with the provision of 5 Illinois Compiled Statutes 430/70-5(a). The penalty provisions set forth in 5 Illinois Compiled Statutes 430/50-5 shall prevail over other penalty provisions set forth in this article only with regard to the enforcement of this subsection 2-25-9N.
 6. Future Amendments: Any amendment to the Act that becomes effective after the effective date of this subsection 2-25-9N shall be incorporated into this subsection 2-25-9N by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activity. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this subsection 2-25-9N by reference without formal action by the corporate authorities of the Village.
 7. Future Declaration Of Unconstitutionality:
 - a. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this subsection 2-25-9N shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This subsection 2-25-9N shall be deemed repealed without further action by the corporate

authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

- b. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this subsection 2-25-9N shall remain in full force and effect; however, that part of this subsection 2-25-9N relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

2-25-10: PROTECTION OF EMPLOYEES AGAINST RETALIATION FOR REPORTING FRAUD, WASTE OR MISUSE OF OFFICE:

- A. No elected or appointed officer or employee of the Village shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to carry out the person's official duties, to exercise the person's clearly defined rights or to report or otherwise bring to the attention of the Village any information which, if true, would constitute a work related violation by a Village elected or appointed officer or employee of any law or regulation, gross waste of Village funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a Village officer or employee, use of a Village office or position or of Village resources for personal gain, or a conflict of interest of a Village officer or employee.
- B. No elected or appointed officer or employee of the Village shall use or threaten to use any official authority or influence to effect any action as a reprisal against an elected or appointed officer or employee who reports or otherwise brings to the attention of the Village any information regarding the subjects described in subsection 2-25-10A of this section.

2-25-11: CONTRACTS WITH OTHER GOVERNMENTAL AND QUASI-GOVERNMENTAL ENTITIES:

The Village shall, by agreement, require that all governmental and quasi-governmental entities which receive funding from the Village adhere to the provisions of this article and that all such entities agree to be subject to the enforcement and penalty provisions contained herein as administered by the Village's Ethics Committee.

For purposes of this section, the phrase "elected and appointed officers and employees" shall include the elected and appointed officers and employees of those governmental and quasi-governmental entities which receive funding from the Village and which agree to adhere to the provisions of this article.

2-25-12: ADVISORY OPINIONS:

- A. Where an elected or appointed officer or employee of the Village has a doubt as to the applicability of any provision of this article to a particular situation or as to the definition of terms used herein, the elected or appointed officer or employee may apply to the Village Attorney for an advisory opinion. The elected or appointed officer or employee shall have the

opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of the article before such advisory opinion is made. The Village Attorney may seek the advice and assistance of the Ethics Committee of the Village Board (hereinafter known as the "Ethics Committee"), if necessary.

- B. Such opinion, until amended or revoked, shall be binding on the Village, the Village Board and the Village Attorney in any subsequent actions concerning the elected or appointed officer or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen.
- C. Any advisory opinion prepared by the Village Attorney shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the Village Attorney unless the elected or appointed officer or employee waives such confidentiality or where the Village Attorney deems the elected or appointed officer or employee to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion. In seeking advice from the Ethics Committee, the Village Attorney shall not disclose the name of the person seeking the opinion nor the names of persons or entities mentioned in the opinion.

2-25-13: ENFORCEMENT:

- A. The Ethics Committee shall have the primary responsibility for the enforcement of this article. It shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the Village where it believes such action is appropriate.
- B. The Ethics Committee may investigate or prosecute any apparent violation of this article or may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations of this article by one or more persons.
- C. Any person who believes that a violation of any portion of this article has occurred may file a complaint with the Ethics Committee. However, nothing in this article shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

2-25-14: PENALTIES; FORFEITED POSITION; EXEMPTIONS; INJUNCTION:

- A. Any elected or appointed officer or employee who wilfully and knowingly violates any of the provisions of this article shall be guilty of a misdemeanor, punishable by a monetary fine not to exceed one thousand dollars (\$1,000.00) or incarceration for a period of time not to exceed one year.
- B. Upon conviction for any violation of this article of any elected or appointed officer or employee, such officer or employee shall immediately forfeit his or her office or position.

- C. The Ethics Committee, with the consent of the Village Board, may exempt from the provisions of this article any conduct found to constitute a violation by an elected or appointed officer or employee if the Committee finds that the enforcement of this article with respect to such conduct is not in the public interest.
- D. Any contract, transaction, zoning decision or other matter which was the subject of an official act or action of the Village in which there is an interest prohibited by this article, or which involves the violation of a provision of this article, shall be voidable at the option of the Village.
- E. The Ethics Committee shall have the power, where a violation of the provisions of this article is threatened or has occurred, to bring civil action or proceeding at law or in equity for a judgment enjoining any violation of the provisions of this article or requiring the relinquishment of any prohibited interest or the voiding of any such contract, transaction, zoning decision or other matter, taking into account the interests of the Village and any third persons who may be injured thereby. Where the Committee determines that the public interest may best be served by not voiding a contract, transaction, zoning decision or other matter entered into in violation of this article, such contract, transaction, zoning decision or other matter may be enforced and an action or proceeding may be brought against any elected or appointed officer or employee found in violation of provisions of this article for damages not to exceed twice the damages suffered by the Village or twice the profit or gain realized by the elected or appointed officer or employee, whichever is greater.

Footnote 1: 5 ILCS 430/5-15.

Footnote 2: 5 ILCS 430/10-10 _ 10-40.