PUBLIC NOTICE

In accordance with the Statutes of the State of Illinois and the Ordinances of the City of Highland Park, the next meeting of the Natural Resources Commission of the City of Highland Park is scheduled to be held at the hour of 6:30 p.m. on Wednesday, April 13, 2011 at 1707 St. John's Avenue, Highland Park, Illinois, during which it is anticipated there will be a discussion of the following:

CITY OF HIGHLAND PARK
NATURAL RESOURCES COMMISSION
WEDNESDAY, APRIL 13, 2011
1707 ST. JOHN'S AVENUE
HIGHLAND PARK, ILLINOIS
6:30 P.M.

MEETING AGENDA

I. Call to Order

II. Roll Call

III. Approval of Minutes: March 9, 2011

IV. Business from the Public

V. New Business

A. Introduction of New Student Representative

B. Review of Commission Protocols

C. Discussion of Draft Commission Action Plan for 2011 and 2012

D. Discussion of Commission Participation in Beach and River Cleanup Events

E. Discussion of Commission Interest in Educational Ravine Walk

VI. Old Business

A. Green Team Status Report

B. Status Report on Potential Collaboration with the Highland Park Library for the Annual Green Festival

C. Status Report on Potential Movie Titles for the 2011 Movie Series

D. Status Report on Polystyrene Pilot Program

VII. Other Business

A. Commissioner Comments

B. City Council Liaison Comments

C. Administrative Items

VIII. Adjournment

Posted in City Hall on April 6, 2011

MINUTES OF A REGULAR MEETING OF
THE NATURAL RESOURCES COMMISSION OF THE CITY OF HIGHLAND PARK, ILLINOIS

MEETING DATE: Wednesday, March 9, 2011

MEETING LOCATION: Pre-Session Room, City Hall, 1707 St. Johns Avenue, Highland Park, IL

CALL TO ORDER

At 6:38 p.m., Chairman Bogot called the meeting to order and the Staff Liaison called the roll.

ROLL CALL

Members Present: Bogot, Compher, Dennison, Friedman, Himmelfarb, Sultan and Meyer

Members Absent: Hill, Naftzger, Matthews and Mandel

The Staff Liaison declared that there was a quorum of the Commission present.

Staff Present: Staff Liaison Barbara Cates and Technical Advisor Michael Bernardi

Also Present: None

MINUTES

A. Regular Meeting of the Natural Resources Commission—February 9, 2011

Commissioner Sultan moved approval of the presented minutes of the regular meeting of the Natural Resources Commission held on Wednesday, February 9, 2011. Commissioner Dennison seconded the motion.

On a voice vote, Chairman Bogot declared that the motion passed 5-0-1, with Commissioner Compher abstaining due to his absence at the meeting on February 9, 2011.

BUSINESS FROM THE PUBLIC

Edyta Sitko, representative of Chicago Greenpeace, requested the Commission's support for a public hearing with the City of Chicago to address the allowable federal air pollution limits of two existing coal-fired power plants in Chicago. Chairman Bogot directed Ms. Sitko to submit information on the matter to Staff Liaison Cates so that it may be reviewed.

NEW BUSINESS

A. Park District of Highland Park Status Report on Ravine 7L Project

Park District Representative Meyer made a detailed presentation on the background of this

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Item, specifically providing an overview of the restoration plan components. Meyer explained that the Park District received a GLRI grant for the work, and is currently working with the City, Trout Unlimited and local professionals to evaluate potential ways to expand the scope of the project; work is scheduled to be complete by the end of March.

B. Recommendation on Natural Resources Commission Student Representative Applications

Staff Liaison Cates and Technical Advisor Bernardi reported that, after interviewing four candidates for the Student Representative position, they recommend the Commission's consideration of Zachary Brint.

Commissioner Friedman moved to recommend Zachary Brint to the Mayor for consideration and appointment as the Natural Resources Commission Student Representative. Commissioner Dennison seconded the motion.

On a voice vote, Chairman Bogot declared that the motion passed unanimously.

C. Status Report on Polystyrene Foam Recycling Pilot Program

Chairman Bogot reported that Councilman Mandel had succeeded in extending the polystyrene foam recycling pilot program for a full year. Commissioner Himmelfarb reported that she is working to facilitate polystyrene recycling at local schools. Commissioner Compher noted that information on the polystyrene recycling program should be provided in future trash and recycling-related *Highlander* news pieces.

D. Discussion of Bottled Water and Soft Drink Taxation

Commissioner Friedman made a detailed presentation on the background of this Item, and discussed some of the points regarding bottled water that were highlighted in the film *Tapped*. Commissioner Himmelfarb noted that the Commission's future discussions regarding bottled water need to frame public health concerns. Chairman Bogot reported that the Environmental Commission had discussed bottled water taxation approximately 2 years prior and determined that the Commission should focus on promoting the use of local water.

Transportation Commissioner and City Council candidate Lane Young noted that the Commission may want to discuss the issue with the new City Council after April elections to determine if there is support for a bottled water and soda tax. Chairman Bogot suggested that the information on bottled water that was previously assembled by the Environmental Commission should be revisited by the Commission in the future to determine the appropriate next steps for the discussion.

E. Discussion of Potential Collaboration with the Highland Park Library for the Annual Green Festival

Chairman Bogot indicated that the Highland Park Library has expressed interest in working with the Commission to organize a green event. Commissioner Dennison volunteered to contact the Library to discuss ways for the Commission to get involved.

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Commissioner Himmelfarb volunteered to contact the Village of Wilmette to learn more about their successful annual environmental fair.

F. Discussion of the Proposed Formation of Voluntary Ravine Neighbors Associations

Chairman Bogot asked the Commission to consider ways to spark residents' interest in the ravines; Bogot suggested organizing neighbors associations to name and "adopt" the City's ravines.

Park District Representative Meyer noted that the goal of the Ravine 7L project is to publicly demonstrate best practices for managing ravine ecosystems. Jennifer Weizeonick, visiting student from UIC, discussed the use of tax incentives. Jon Shabica of Shabica and Associates noted that grant money typically funds public, not private, ravine restoration projects.

G. Discussion of 2011 Work Program and Project Assignments

Staff Liaison Cates outlined the Commission's yearly work program. Chairman Bogot noted that beach and river cleanup events must be organized soon. Commissioner Sultan suggested involving local boy scouts.

OLD BUSINESS

A. Green Team Status Report

Commissioner Himmelfarb reported that the Green Team discussed the possibility of installing solar panel technology at one school in the district. Himmelfarb noted that Ravinia School is planning to construct a garden in 2012.

B. Discussion of Potential Movie Titles for the 2011 Movie Series

Commissioner Dennison noted that *Blue Gold: Water Wars* will be screened at the Highland Park Library on May 22nd.

ADJOURNMENT

Chairman Bogot adjourned the meeting at 8:25 p.m.

Respectfully Submitted,

Barbara E. Cates, Secretary

MINUTES APPROVED BY THE NATURAL RESOURCES COMMISSION ON _____

- WITH NO CORRECTIONS
- WITH CORRECTIONS _____
  (SEE MINUTES OF [_____] MEETING FOR CORRECTIONS

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Memorandum

To: Members of the Natural Resources Commission

From: Barbara E. Cates, Planner
Michael Bernardi, Assistant Civil Engineer

Date: April 6, 2011

Re: Agenda Items for the April 13th Meeting of the Natural Resources Commission

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NEW BUSINESS

A. Introduction of New Student Representative

The City Council is scheduled to appoint a new student representative on April 11, 2011.

B. Review of Commission Protocols

Chairman Bogot will briefly discuss the attached Commission protocols with the Commission. If you have any questions regarding the material prior to the meeting, please feel free to contact Barbara Cates.

C. Discussion of Draft Commission Action Plan for 2011 and 2012

Chairman Bogot, Vice-Chairman Naftzger and Councilman Mandel recently met with staff to discuss and prioritize the Commission's work plan for the remainder of the year. Attached please find an action plan that was drafted to provide direction for each of the items that the Commission has recently discussed. At the upcoming meeting, the Commission is asked to discuss and approve the document.

D. Discussion of Commission Participation in Beach and River Cleanup Events

Two upcoming items on the Commission's work plan are participation in local beach and river cleanup events. Chairman Bogot will be seeking volunteers to participate and represent the Commission at each of the events.

E. Discussion of Commission Interest in Educational Ravine Walk

Commissioner Sultan has volunteered to organize a Spring educational walk for the Commission. Commissioner Sultan would like to gauge Commissioners' interest so that a public meeting notice can be posted as necessary.

OLD BUSINESS

A. Green Team Status Report

Commissioner Himmelfarb will present information on this agenda item.

B. Status Report on Potential Collaboration with the Highland Park Library for the Annual Green Festival

Commissioner Dennison will present information on this agenda item.

C. Status Report on Potential Movie Titles for the 2011 Movie Series

Commissioner Dennison has arranged to screen the film *Blue Gold: Water Wars* at the Highland Park Library on May 22nd. At the upcoming meeting, the Commission is asked to discuss other titles and possible showing times so that a schedule of screenings for the remainder of the year can be established.

D. Status Report on Polystyrene Pilot Program

Councilman Mandel will present information on this agenda item.

ATTACHMENTS

- Commission Protocols
- Draft 2011-2012 Commission Action Plan

SECTION 2 –COMMISSIONER ROLES AND RESPONSIBILITIES

I. GENERAL PRINCIPLES

Commission meetings can be a highly effective method for examining policy and development proposals before the City, but only when a level of civility and decorum is maintained. The City Council has adopted a set of general principles to guidelines for interaction at public meetings with this goal in mind:

1. **All persons will be treated with respect.**

2. **The good of the community carries greater weight than any individual opinion or personal interest.**

3. **Commissioners will represent their position with dignity and professionalism.**

4. **A Commission will address difficult policy and regulatory issues and will:**

   i. Execute the charges assigned to it by the City Code and City Council,
   ii. Identify community expectations, and
   iii. Build the Commission's capacity to deal effectively with major issues.

5. **A Commission will build a capacity to work effectively together by:**

   i. Depersonalizing issues,
   ii. Establishing a vision and setting goals,
   iii. Building team expectations and teamwork, and
   iv. Developing an effective relationship with Staff.

6. **The Commission and Staff will develop a productive working relationship by:**

   i. Team building,
   ii. Becoming aware of differences between Commission and Staff perspectives, and
   iii. Adhering to the expectations and contributions outlined in Section 2.II (Roles and Responsibilities) of this handbook.

II. ROLES AND RESPONSIBILITIES

1. COMMISSION CHAIR / VICE CHAIR

The Chair and Vice-Chair of a Commission are appointed by the Mayor, with the concurrence of the City Council. A Chair is a voting member of a Commission, cannot make motions, and is counted toward quorum. Generally, the term of a Chair and Vice-Chair is two years, concurrent with service of a Commissioner term. A Chair or Vice-Chair may not serve two consecutive terms in the respective position. The Chair of each Commission shall be expected to perform the following:

a. Work with the Staff Liaison to draft the Commission workplan and budget request;
b. Work with the Staff Liaison to set the meeting agenda;
c. Call special meetings of the Commission in accordance with the Illinois Open Meetings Act;
d. Open and preside at all meetings of the Commission;
e. Conduct all meetings in a proper and efficient manner;
f. Focus discussion at meetings to attempt to achieve a consensus on issues;
g. Sign any documents prepared by the Commission;
h. Ensure that all actions of the volunteer body are properly taken;
i. Serve as spokesperson of the Commission, in accordance with Commission External Communications Policy found in Section 4 of this handbook; and
j. Abide by the expectations for a Commissioner found in this section.

In the absence of the Chair, the Vice-Chair shall be responsible for exercising and performing these duties and is subject to all responsibilities of the Chair.

2. COMMISSIONER

A Commissioner is appointed by the Mayor, with the concurrence of the City Council. A Commissioner is a voting member of the Commission, may make motions, and is counted toward quorum. Generally, the term of a Commissioner is four years, with the possibility of re-appointment for an additional four-year term. A term-limited Commissioner must stay off the Commission at least two years before reappointment to the same Commission. A Commissioner shall be expected to perform the following:

a. Thoroughly review all packet material provided by the Staff Liaison prior to each meeting;
b. Attend all meetings of the Commission in a punctual manner, subject to the provisions of Section 33.001 (E) in the City Code (see Section 3.II.4);
c. Ask questions of the Commission Chair, Staff Liaison, and members of the public in order to fully understand the facts and opinions surrounding the matter at hand;
d. Participate in any Commission sub-committees or workgroups, as assigned;
e. Complete any Commission-assigned work product;

f. Accept input from members of the Public, but do not act as a representative of the City;
g. Respect administrative and legal processes; and
h. Interact with Staff and members of the public with honesty, professionalism, and integrity.

3. STAFF LIAISON

A Staff Liaison serves as a facilitator for the Commission. A Staff Liaison is selected by the City Manager or the appropriate Department Head. A Staff Liaison shall be expected to perform the following:

a. Review the Commission Protocol handbook with all incoming Commissioners,
b. Work with the Commission Chair to set the meeting agenda,
c. Work with the Commission Chair to draft the Commission workplan and budget request,
d. Provide all available factual information, professional expertise, and clarification of City **procedure** to the Commission to advance the consideration of business during a meeting,
e. Make a Staff recommendation on items before the Commission,
f. Implement policy directives approved by the Commission,
g. Interact with Commissioners and members of the public with honesty and integrity,
h. Provide unbiased options and solutions for solving difficult problems,
i. Be available to discuss Commission business with Commissioners,
j. Experience the community (participate in community events to get a feel for the culture),
k. Perform duties with the utmost professionalism.

4. CITY COUNCIL LIAISON

A City Council Liaison is a member of the City Council appointed by the Mayor to serve as a link between the City Council and the Commission. A City Council Liaison serves as an ex-officio non-voting member, cannot make motions, is not counted toward quorum, and is not required to attend meetings. When necessary, a City Council Liaison provides clarification of City **policy** to advance the consideration of Commission business during a meeting.

5. EX-OFFICIO MEMBER

An Ex-Officio Member is appointed by the Mayor, which may be subject to the concurrence of the City Council. An Ex-Officio Member is typically appointed to the Commission to represent an organization or point of view. An Ex-Officio Member cannot vote on Commission business, make motions, or count toward quorum. An Ex-Officio member is expected to represent the organization or constituency defined by the position and abide by the expectations of a Commissioner found in this section.

6. STUDENT REPRESENTATIVE

A Commission may elect to create a student representative position as part of the Commission membership. A student representative is an Ex-Officio Member of a Commission and coordinates activity with Highland Park High School. Appointment of Student Representatives is completed by the Mayor during the fall of each year. The term of a Student Representative is one year, subject to re-appointment. The student will be held to the Commission attendance policy, except that absences during summer school vacation will be considered as excused. In addition, the student representative will have the option to participate in a teacher-supervised independent study project related to the work of the Commission. Also, the student will assist Highland Park High School staff in recommending a replacement.

III. ETHICS GUIDELINES

1. DECLARATION OF POLICIES AND PURPOSE

The proper operation of democratic government requires that public officials of the City be independent, impartial, and responsible to the City, the sole purpose of which is to serve and protect the public health, safety and welfare of its residents. It is therefore imperative that City offices not be used for personal, financial, or political gain, or to advance the interest of family members, and that the public have confidence in the integrity of City government. City officials should not exercise favoritism in the course of performance of their duties, and no one party should receive a benefit from any City action due to a relationship with a City official, beyond that which is available to any other party seeking similar relief. In all circumstances, City officials should conduct themselves in a manner that prevents impropriety, as well as the appearance of impropriety.

The purpose of these Ethics Guidelines is to establish ethical standards of conduct for all City officials, be they members of the City Council or members of a City agency, board, or commission. These Guidelines set forth those acts or actions that are incompatible with the proper performance of a City official's duties. These Guidelines also set forth the proper course of conduct for City officials when presented with a situation that may give rise to such incompatibility or to a conflict of interest.

2. DEFINITIONS AND RULES OF CONSTRUCTION

"Applicant" means any person or Business Entity that is seeking an Official Action or other form of relief from any Commission.

"Business Entity" means any firm, proprietorship, partnership, association, corporation, venture, trust, or similar organization, including, without limitation, a charitable or religious institution.

"City Code" means "The Highland Park Code of 1968," as amended.

"Commission" means the City Council or any City board, agency, committee, or commission established by the City Council.

"Family Member" means a spouse, domestic partner, child, grandchild, parent, grandparent, or sibling, or the spouse, domestic partner, child, grandchild, parent, grandparent, or sibling of such spouse, domestic partner, child, grandchild, parent, grandparent, or sibling.

"Official" means any member of any City Commission.

"Official Action" means any legislative, administrative, appointive, or discretionary act of the City Council or City Manager.

"Owner" means any person that owns 0.5% or more of the subject Business Entity.

3. COMPLIANCE WITH OTHER LAWS GOVERNING ETHICS AND CONDUCT

These Guidelines set forth the minimum standards of conduct for Officials, and are not intended to replace or repeal other guidelines, codes, and ordinances governing the ethics, conflicts, and conduct of Officials. These Guidelines should be read in concert with, and Officials are expected to act at all times in compliance with, all relevant federal, state, county, and City laws, ordinances, and regulations governing the conduct of such Officials, including, without limitation, the following:

A. The Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*, and

B. The Highland Park Gift Ban Ordinance, codified at Chapter 37 of the City Code.

To the extent that these Guidelines conflict with any other law, ordinance, or regulation, the provision that imposes the greater restriction on the Official's conduct shall apply and control.

4. PROHIBITED CONFLICTS OF INTEREST

A. No Official shall engage in any business or transaction that is incompatible with the proper discharge of the Official's official duties in the public interest or that may tend to impair the Official's independence, judgment, or action in the performance of such duties.

B. Except as expressly permitted by these Guidelines, no Official, or Family Member thereof, shall have any interest, directly or indirectly, in any contract, work, or business of the City.

C. No Official, or Family Member thereof, shall acquire an interest, direct or indirect, in any Business Entity or in any subject matter at a time when the Official knows, or has reason to know or believe, that such Business Entity or subject matter will directly or indirectly become the subject of an Official Action.

D. Notwithstanding the provisions of this Section, an Official shall not be prohibited from having or an acquiring an interest in, or deriving a benefit from, any City contract, work or business, when the interest or benefit is due to ownership by the Official, or Family Member thereof, of less than 0.5% of a Business Entity which has a contract, work, or business with the City.

5. PROHIBITED REPRESENTATIONS

A. An Official shall not, under any circumstances, represent an Applicant seeking relief from the Official's Commission at any hearing, meeting, or other assembly of the Official's Commission.

B. A member of the City Council shall not, under any circumstances, represent any Applicant at any hearing, meeting, or other assembly of any Commission.

C. Nothing in these Guidelines shall be deemed or interpreted as prohibiting an Official from appearing on behalf of him or herself at a hearing, meeting, or other assembly of the Official's Commission, or before City staff, upon compliance with the rules for disclosure set forth in Section 6.C of these Guidelines and the rules for recusal set forth in Section 6.D of these Guidelines.

6. DISCLOSURE AND RECUSAL

A. Circumstances Requiring Both Disclosure and Recusal.

In the following circumstances, an Official must disclose his or her interest in compliance with the rules for disclosure set forth in Section 6.C of these Guidelines, and must recuse himself or herself from any deliberation, discussion, or Official Action of the Commission in compliance with the rules for recusal set forth in Section 6.D of these Guidelines:

1. Current Representation of Applicant on Related Matters. The Official, or the Business Entity of which the Official is a member, is currently representing the Applicant appearing before the Official's Commission on the same or related matter for which the Applicant is seeking relief before the Official's Commission.

2. Current Representation of Applicant on Unrelated Matters. The Official, or the Business Entity of which the Official is a member, is currently representing the Applicant appearing before the Official's Commission on a matter that is not related to the matter for which the Applicant is seeking relief before the Official's Commission.

3. Previous Representation of Applicant on Related Matters. The Official, or the Business Entity of which the Official is a member, has previously represented, but is not currently representing, the Applicant appearing before the Official's Commission on the same or related matter for which the Applicant is seeking relief before the Official's Commission.

4. Official's Family Member as Applicant. The Applicant appearing before the Official's Commission is a Family Member of the Official.

5. For-Profit Business Entity as Applicant. The Applicant appearing before the Official's Commission is either (a) the for-profit Business Entity of which the Official is an Owner, officer, director, or employee, or (b) another Owner, officer, director, or employee of the for-profit Business Entity of which the Official is an Owner, officer, director, or employee.

6. Not-for-Profit Business Entity as Applicant – Direct Relationship. The Applicant appearing before the Official's Commission is the not-for-profit Business Entity of which the Official is an Owner, officer, director, or employee.

7. Appearance of Impropriety. The Official has a connection to the Applicant or matter before the Official's Commission such that the Official's participation in any deliberation, discussion, or Official Action related to the Applicant or matter would appear improper.

B. Circumstances Requiring Disclosure But Not Recusal.

In the following circumstances, an Official must disclose his or her interest in compliance with the rules for disclosure set forth in Section 6.C of these Guidelines:

1. Previous Representation of Applicant on Unrelated Matters. The Official, or the Business Entity of which the Official is a member, has previously represented the Applicant on a matter that is not related to the matter for which the Applicant is seeking relief before the Official's Commission.

2. Business Entity as Applicant – Indirect Relationship. The Applicant appearing before the Official's Commission is either (a) a Business Entity of which the Official is a member, but not an Owner, officer, director, or employee, or (b) an Owner, officer, director, or employee of a Business Entity of which the Official is a member, but of which the Official is not an owner, officer, director, or employee. For purposes of this Section 6.B.2 only, "member" means (i) a volunteer for a not-for-profit, charitable or religious institution, (ii) a congregant of a religious institution, or (iii) any similar relationship to a Business Entity by which the Official receives no remuneration.

3. Not-for-Profit Business Entity as Applicant – Indirect Relationship. The Applicant appearing before the Official's Commission is another Owner, officer, director, or employee of the not-for-profit Business Entity of which the Official is an Owner, officer, director, or employee.

4. Official as Applicant. The Official is the Applicant appearing before the Official's Commission.

C. Rules for Disclosure. Where these Guidelines require disclosure of an Official's interest, the Official shall make such disclosure as follows:

1. The Official shall state on the record (a) that he or she has an interest for which disclosure is required, and (b) the nature of that interest.

2. The Official's statement shall be made at the hearing or meeting of the Commission from which the interest requiring disclosure has arisen.

3. The Official's statement must be made prior to any deliberation, discussion, or Official Action taken by the Commission on matters involving such interest.

4. Upon making disclosure in compliance with this Subsection, the Official may participate in any deliberation, discussion, or Official Action related to the matter for which disclosure was required, unless recusal is also required, in which case the Official shall comply with the requirements of Section 6.D of these Guidelines.

5. Notwithstanding the provisions of Section 6.C.4 of these Guidelines, in the event that the Official is the Applicant appearing before the Official's Commission, the Official may not cast a vote in connection with any proposed Official Action regarding the matter for which disclosure is required.

D. Rules for Recusal. Where these Guidelines require the recusal of an Official, the Official shall recuse himself or herself as follows:

1. The Official shall first disclose the interest for which recusal is required, in accordance with and pursuant to Sections 6.C.1 through 6.C.3 of these Guidelines.

2. Following such disclosure, the Official shall depart the room in which the Commission will conduct any proceedings related to the matter for which recusal is required. The Official shall not re-enter such room until such time as the Commission concludes its deliberation, discussion or Official Action on such matter.

3. Following the disclosure required pursuant to Section 6.D.1 of these Guidelines, and until the Commission takes Official Action regarding the matter for which the Official has recused himself or herself, the Official shall not communicate in any manner regarding the matter for which the

Official has recused himself or herself with (a) any other member of the Commission from which the Official has recused himself or herself, (b) any member of the City Council, or (c) any City employee who the Official knows or should know is familiar with the matter for which recusal was required.

7. REPRESENTATIONS BEFORE OTHER COMMISSIONS AND CITY STAFF

A. Representations Before Other Commissions. Except as provided in Section 5.B of these Guidelines, an Official may represent an Applicant before an Commission other than that Official's Commission, upon disclosure by the Official at a public meeting of the Commission before which the Official is representing the Applicant (1) of his or her status as an Official, and (2) that, prior to the disclosure, he or she has not communicated with any member of the Commission before which the Official is representing the Applicant.

B. Representations Before City Staff. An Official may not represent any person or Business Entity before City staff regarding the issuance of a permit or approval for a matter for which (1) the City has discretionary authority (for example, the granting of a variation or the approval of a planned development minor amendment), and (2) the Official's Commission has, or in the future may have, jurisdiction. An Official may represent any person or Business Entity before City staff regarding the issuance of a permit or approval for a matter for which the City does not have discretionary authority (for example, the issuance of a building permit).

8. PERMITTED CONDUCT OF CITY COUNCIL MEMBERS

Nothing in these Guidelines shall be deemed or interpreted as prohibiting a member of the City Council from participating in any deliberation, discussion, or Official Action of the City Council related to an entity for which the City Council member serves in an advisory, representative, ex-officio, or similar capacity solely as a result of his or her status as a member of the City Council.

9. MISCELLANEOUS PROHIBITIONS

A. Abuse of Power. No Official shall use the power or prestige of a City office or Commission for private financial gain.

B. Confidentiality. No Official shall disclose confidential information concerning the property, government or affairs of the City, or use such information to advance the personal or financial interests of any party, except upon receipt of proper legal authorization.

C. Use of Public Property. No Official shall use, or permit to be used, any property owned by the City, including without limitation, City vehicles, for the profit or convenience of the user, except as expressly authorized by an administrative order of the City.

IV. INDEMNIFICATION OF CITY OFFICIALS, OFFICERS, AND EMPLOYEES

The rules regarding indemnification are set forth in Chapter 39 of Highland Park City Code. Below is Section 39.001 which provides a general overview of the indemnification policy:

> The City shall defend, indemnify, and hold harmless its current and former officials, commissioners, board members, officers, and employees, as well as representatives of the City serving on other bodies who have been appointed by the City Council, (the "Protected Personnel") from and against any civil, administrative investigations, claims, actions, or proceedings, and any judgments, fines, liabilities, and other costs thereof, including reasonable attorneys' fees and any amount paid in any settlement approved in advance by the City Council, based upon any act, error, or omission that could reasonably be construed to be within the exercise of the lawful duties of such Protected Personnel.

All rules and regulations regarding indemnification of City Officials, Officers, and Employees are provided at the end of this section as a reference.

V. TRAINING

All Commissioners, Board Members, and Staff Liaisons are required to complete the City's Commission Protocols and Procedures Training Program at the beginning of a term. Task Force Members and Ex-Officio may participate in the Training Program, but are not required to do so.

VI. RESIGNATIONS

Members of commission, sub-committees, task forces, work groups or boards who find it necessary to resign shall notify the Chair and the Staff Liaison of their volunteer body in writing. The Chair shall then notify the Mayor of such resignation. The Mayor shall fill the vacant position as soon as practicable.

VII. AUTHORIZATION TO RELEASE PERSONAL INFORMATION

All Commissioners must complete the attached form that authorizes the City to publicize contact information. Commissioners may designate a portion of the provided contact information as "private", to be utilized only be Staff and City Council Members. Commissioners shall notify the Staff Liaison of any changes to contact information during the term of service.

VIII. PETITIONING ON CITY PROPERTY

Section 37 of City Code bars elected and appointed officials of the City from performing "Prohibited Political Activity" during the execution of official duties (e.g., commission meetings), which includes the circulation of petitions on behalf of a candidate for elected office or for or against any referendum question.

SECTION 3 –COMMISSION MEETINGS

The key to an effective Commission is the ability to hold meetings that maintain a civil decorum, receive input from a broad range of interests, efficiently dispense with Commission business, and meet all legal requirements. Commission meetings are governed by Robert's Rules of Order. The following section provides instruction on the best practices for meeting preparation and procedures.

I. MEETING PREPARATION

1. OPEN MEETINGS ACT

The Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*, generally requires that all meetings of municipal bodies be open to the public. The purpose of the Open Meetings Act is to ensure that public bodies deliberate and act openly. There are a number of exceptions to the general rule, pursuant to which certain meetings or portions of meetings may be closed to the public. In addition, the Open Meetings Act sets out the requirements for notice and minute taking for meetings.

A. Who Must Comply?

The Open Meetings Act applies to all legislative, executive, administrative, or advisory bodies of the City. 5 ILCS 120/1.02. The Open Meetings Act does not apply to staff meetings (unless a majority of a quorum of a public body attends the staff meeting and public business is discussed), political rallies, news conferences, or internal committees not formally appointed by, or accountable to, any public body.

B. What is a Meeting?

The Open Meetings Act applies only to "meetings" of public bodies. A meeting is defined as a "gathering of a majority of a quorum for the purposes of discussing public business." 5 ILCS 120/1.02. A gathering may occur either in person or by telephone; however, the Open Meetings Act applies only to those gatherings held for the purpose of discussing public business and would not, therefore, apply to a social gathering. A quorum is the minimum number of members required to take action on behalf of the public body. The number of members constituting a quorum depends on the number of members of the public body. For example, where a public body consists of seven members, such as the Highland Park City Council, a quorum of that body would be four and a majority of the quorum would be three. The total number of authorized voting positions on the Commission shall be utilized to determine quorum, regardless of whether any positions are vacant at the time of the meeting.

C. What Meetings May be Closed to the Public?

Meetings or portions of meetings relating to certain topics may be closed to the public. 5 ILCS 120/2(b). For example, the City may hold a closed meeting to discuss (i) employment or appointment issues; (ii) litigation; (iii) certain business issues; (iv) security and criminal matters; (v) proceedings under the Gift Ban Act; or (vi) minutes of lawfully closed meetings. A public body may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present. 5 ILCS 120/2a. A roll-call vote must be taken at a meeting open to the public and for which notice was provided. The motion to adjourn to a closed session must indicate the purpose or purposes of the closed session. Only matters specified in the vote to close the session to the public may be discussed in the closed session. At the end of the closed session, a motion should be made, and a vote taken, to adjourn the closed session and return to open session.

D. Notice of Meetings

The Open Meetings Act requires that notice of all meetings of public bodies, whether open or closed, be given. 5 ILCS 120/2.02. Notice of the date, time, and place of a public body's regular meetings must be given at the beginning of each calendar or fiscal year. A schedule of the regular meetings must be made available to the public. At least 48 hours prior to each regular meeting, the public body must post the agenda for such meeting at its principal office and at the location of the meeting. Notice of special meetings, rescheduled regular meetings, and reconvened meetings must be given at least 48 hours in advance. Notice of emergency meetings shall be given as soon as practicable prior to the holding of the meeting to any news medium that has filed an annual request for notice. The public body must provide a copy of the notice of its regular meetings and the notice of any special, emergency, rescheduled, or reconvened meeting to any news medium that has made an annual request for such notice.

E. Minutes

The Open Meetings Act requires that minutes be kept of all meetings of public bodies, open or closed. 5 ILCS 120/2.06. All minutes of meetings, whether open or closed, must include a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken. Executive session minutes must also include a reference to the particular matter discussed and not just the general topic.

Within seven days after minutes are approved by the public body, minutes of all open meetings are required to be made available for public inspection. Minutes of closed meetings are required to be made available to the public only after the public body determines that it is no longer necessary to keep the minutes confidential. Under Section 2.06(c) of the Open Meetings Act, the public body

must review its confidential, executive session minutes on a semi-annual basis to determine which minutes may be released to the general public. The public body may conduct this review in closed session, but upon completion of the review, must report at an open meeting its decision regarding the minutes of each executive session, indicating either (i) that the need for confidentiality still exists as to all or part of the executive session minutes or (ii) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

F. Electronic Communications

The advent of electronic communication has created new opportunities for immediate communication, some of which may come into contact with the limitations set forth in the Open Meetings Act. While the law covering this relatively new and expanding technological area is still developing, because of the civil and criminal implications that accompany violations of the Open Meetings Act, caution is warranted when using electronic communication methods to communicate with multiple members of a public body.

In order to avoid potential violations of the Open Meetings Act, Commissions shall abide by the following guidelines. If an electronic message is not being sent to more than one board or commission member, the Open Meetings Act is not implicated, because there is no quorum. However, if an electronic message is sent to more than one member of the Commission, recipients shall not use the “reply to all” option when there is a chance that a majority of a quorum could receive and respond to the message. In addition, before responding to an e-mail, Commissioners should adhere to a two-hour waiting period.

G. Electronic Meeting Attendance

i. Background and Purpose

The Illinois Open Meetings Act, 5 ILCS 12011 et *seq.* (the "Act"), requires that the actions of public bodies be taken openly and that their deliberations be conducted openly, except for certain limited circumstances that permit closed meetings. Pursuant to Public Act 94-1058, the Illinois General Assembly amended various provisions of the Act, which amendments become effective on January 1, 2007. These amendments include certain clarifications to the definition of "meeting" to include meetings by electronic means and the adoption of rules for electronic meeting attendance by members of public bodies. This Policy is intended to adopt certain rules and procedures for electronic meeting attendance by members of boards, commissions, and committees of the City consistent with Public Act 94-1 058.

ii. Definitions

"Electronic Attendance" shall mean the attendance at a meeting of a Public Body by a member of that Public Body who is not physically present at the meeting but attends by either video or audio conference.

"Public Body" shall mean the City Council, the Plan Commission, the Zoning Board of Appeals, and all other subsidiary boards, commissions, and committees of the City that are subject to the Act.

iii. Member Qualifications for Electronic Attendance

A member of a Public Body is qualified to attend a meeting of that Public Body electronically only if the member is physically prevented from attending the meeting by:

(1) personal illness or disability;
(2) employment purposes or the business of the public body; or
(3) a family or other emergency.

iv. Procedures for Authorizing Electronic Attendance

The following procedures are required before a member of a Public Body is authorized to attend electronically a meeting of that Public Body:

(1) Notice to the Clerk. The member must notify the City Clerk in writing at least four hours prior to the meeting in which the member desires to attend electronically, unless advance notice is impractical. The notice shall be substantially in the form attached to this Policy as Exhibit 1 and shall identify the reason the member cannot be physically present at the meeting in accordance with G.iii of this Section. If the member is unable to give the required written notice prior to the meeting, the member shall notify the Clerk by other means prior to the meeting and shall submit the required written notice as soon as practicable following the meeting.

(2) Determination of Authorization of Electronic Attendance. Upon receipt of notice in accordance with Subsection IV.A, the Clerk shall promptly forward the notice to the presiding officer of the Public Body. After establishing that a quorum of the Public Body is physically present at the meeting at which a member has requested to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the Public Body in accordance with this Policy, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members of the Public Body physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the Public Body physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the Public Body and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

v. Special Rules for Meetings Involving Electronic Attendance

A meeting of a Public Body at which any member has been authorized to attend electronically in accordance to Section IV of this Policy must be conducted in accordance with the following special rules, in addition to any other applicable rules and procedures of the Public Body:

(1) Roll Call and Quorum. A quorum of the Public Body must be physically present at the meeting. Following the call of the roll, and at the conclusion of the procedures set forth in Section 1V.B of this Policy, the presiding officer shall identify each member who is attending the meeting electronically.

(2) Identification and Recognition of Electronic Attendees. Any member attending electronically must identify himself or herself each time the member wishes to speak and must be recognized by the presiding officer prior to addressing matters before the Public Body.

(3) Public Access to Meeting. The speech of a member attending electronically shall be amplified in such a manner that it shall be generally audible to members of the Public Body and the public who are physically present at the meeting. Also, any video image of a member attending electronically shall be projected in such a manner that the member's video image shall be generally visible and audible to members of the Public Body and the public who are physically present at the meeting. In addition, the votes of any member of the Public Body attending electronically shall be generally audible at the location where such meeting is being held and expressly acknowledged by the presiding officer. When a member attends a closed meeting electronically, the member's speech shall be generally audible to all members of the Public Body who are physically present at the meeting, and the audio recording of the meeting required by the Act shall incorporate the speech of the member electronically attending the closed meeting.

(4) Minutes. The minutes of each meeting of a Public Body shall identify which of the members of the Public Body were physically present and, if applicable, which members of the Public Body attended electronically. The minutes shall also reflect the reason for a member's attendance electronically (as described in Section iii of this Policy), the fact that there was no valid objection to such attendance pursuant to this Policy, and the electronic means by which the member attended the meeting.

vi. Effect of Electronic Attendance

A member attending a meeting of a Public Body electronically shall be considered present at the meeting and entitled to vote on any matter before the Public Body as if the member were physically present at the meeting, provided that the member's attendance at the meeting electronically complies with the terms of this Policy.

vii. Emergency and Disaster Situations

In the event of a bona fide disaster, as defined in the Illinois Emergency Management Agency Act, 20 ILCS 330511 et *seq.* ("IEMAA"), this Policy shall not apply to restrict the conduct of public business by a Public Body, provided such public business is conducted in accordance with Subsection 10(j) of the IEMAA.

2. MEETING DATES

All meeting dates shall be scheduled by resolution adopted at the last regular meeting for the calendar year or the first meeting of the new calendar year. However, if the resolution is not adopted until the first meeting of the calendar year, notice of the first meeting shall be posted in a public place as a special meeting. The notice for both a regular and a special meeting shall be posted in a public place not less than 48 hours in advance of the meeting. At a special meeting, only those items listed on the agenda may be discussed, while items may be added to the agenda of a regular meeting following its posting. Copies of the resolution scheduling regular meetings should be sent to City Manager's Office in order to post the resolution of regular meeting dates for each Commission at the beginning of each calendar year. At any time, a copy of the resolution may be obtained from the City Clerk, the Chair of the Commission or the Staff Liaison.

Additional meetings may be held at any time upon the call of the Chair or by a majority of the members of any Commission with at least 24 hours notice to each member of the volunteer body. The City Council Liaison, the Staff Liaison, and the City Manager shall also be notified of any special, non-scheduled meeting. The special meeting shall be posted in the City Hall as well as any other location where the meeting is to be held.

3. MEETING PACKET

Meeting packets shall be assembled by the Staff Liaison and posted to the City website for electronic distribution, to the extent possible. Packets for Monday meetings shall be distributed by the prior Thursday and packets for Tuesday-Friday meetings shall be distributed by the prior Friday.

II. CONDUCTING A MEETING

Commission meetings bring together individuals with a variety of backgrounds, personalities, values, and opinions for a shared purpose: to effectively promote and protect the health, safety, and general welfare of the citizens of the City of Highland Park.

These protocols and procedures for Commission meetings have been established to promote that purpose by creating an efficient, effective forum and a positive and professional atmosphere within which the business of the City can be conducted. This shared purpose is acknowledged and affirmed, despite the divergent opinions of the individual members of a Commission, and the inevitable disagreements among members on specific issues.

1. GENERAL STANDARDS OF DECORUM AND CONDUCT

i. Chairperson. The Chairperson has the responsibility and authority to control the meeting. All members must respect the decisions of the chairperson. *Public business is conducted more efficiently and effectively with proper leadership.*

ii. Civility. Commission Members should, at all times, be respectful of each other, of Staff, and of all visitors attending a meeting. Members should use titles when referring to other members and when addressing Staff. All oral discourse should be polite and civil. Members should never be belligerent, impertinent, threatening, or disparaging. Comments of a personal nature are never appropriate. *Opinions and positions are more persuasive when expressed civilly.*

iii. Preparation for Meetings. Commission members should prepare for meetings in advance. Background and informational questions should be addressed with Staff members during working hours rather than during Commission meetings, unless the answers to such question will have an educational value of broad and general applicability. *Thorough preparation improves focus on policy matters and fosters effective, efficient meetings.*

iv. Focus on Business. Commission members should maintain focus on the matters of business before them, keeping in mind the principal role of the Commissioners as policy makers rather than administrators. Discussion of matters not relevant to pending business should be avoided. *Members should be respectful of the roles of others and should be good stewards of the time spent during Commission meetings.*

v. Respect for Staff. Commission members should be respectful in every contact and communication with Staff, recognizing the scope and weight of the Staff's duties and responsibilities. *Positive interactions with others promote greater achievement.*

vi. Respect for Speakers. Commission members should be fair, patient, and respectful of all individuals who speak before, or make presentations to, the Council at public meetings or public hearings. No signs of partiality, prejudice, or disrespect should ever be evident on the part of any individual council member. *Making the public feel welcome is an important part of the Democratic process.*

2. MEETING RULES AND PROCEDURES

i. Parliamentary Procedure. Meetings shall be conducted in accordance with the rules of Protocols and Procedures found in this section. For all matters not governed by these rules, matters of the Commission shall be governed by *Robert's Rules of Order, Newly Revised 10th Edition*. In the case of an inconsistency or conflict between these rules and *Robert's Rules of Order*, the rules found in this section shall apply and control. If a matter is not covered by these rules, then *Robert's Rules of Order* shall apply and control. Please see Attachment I to this section—the City Council meeting protocols, complete with a guide to parliamentary procedure.

ii. Questions of Order; Decisions. All questions of order shall be addressed to, and decided by, the chairperson. The chairperson shall decide all questions of parliamentary procedure, without debate. The decision of the chairperson may be appealed to the Commission by motion stating the question being appealed.

iii. The Floor. A Commission member shall not speak until recognized by the Chairperson. The Chairperson shall determine who has the floor. Commission members should act at all times so that the meeting is conducted in a smooth and orderly manner. Commission members shall address all comments and discussion through the chairperson. All remarks should be addressed to the merits of the pending matter.

iv. Roll Call Votes. A roll call vote of "ayes" and "nays" shall be taken and recorded in the minutes of proceedings for all ordinances and for all resolutions or motions that create any liability against or obligation on the part of the City, or for the expenditure or appropriation of City money, and in all other instances where requests therefore are made by any Commission member.

v. Subsidiary Motions. When a motion is pending before the Commission, no other motion shall be in order except only one of the following motions:

a) To adjourn,
b) To lay on the table,
c) To call the previous question,
d) To postpone indefinitely,
e) To postpone to a definite time, and
f) To amend.

vi. Motion to Adjourn. A motion to adjourn is always in order except when:

a) A member is in possession of the floor,
b) A motion on the main question is pending,
c) A motion to reconsider is pending,
d) The immediately preceding motion was a motion to adjourn.

vii. Confidentiality. Commission members shall keep confidential all matters and documents discussed in closed session or otherwise designated as confidential. That confidentiality shall be kept until the Council has officially declared that the matter or document no longer is confidential.

3. PUBLIC PARTICIPATION

i. Public Comments. Comments from petitioners, residents, neighboring jurisdictions, the media, and guests may be made only when the applicable matter is on the agenda, or during the time on the agenda reserved for public comment, or with the recognition of the chairperson.

ii. Public Hearings. During public hearings conducted by the Commission, cross-examination of witnesses by petitioners, or members of the public, or their representatives, will be permitted upon request to the Chairperson. If members of the public desire to cross-examine witnesses during a public hearing, they shall so inform the Chairperson in writing (on a form provided by the City), prior to the beginning of the hearing.

iii. Rules Governing the Scope and Length of Comments. The Commission may, from time to time, adopt specific rules governing public comment on particular matters, provided that such rules shall be fairly and equally applied to all. Such rules may include, without limitation, requirements for time limits, advance registration, identification of representation of, or employment by, others, and the use of audio or video recording equipment; provided, however that the use of audio or video recording equipment shall not be prohibited. Further, the Commission may set an overall limit at any meeting on the time for public comments. In the absence of any specific rules, the following general rule shall apply: Individual comments shall be limited to one opportunity per person and to not more than five minutes.

iv. Decorum. Each person to speak shall give her or his name and address. No person may be discourteous, belligerent, impertinent, threatening, disparaging, or otherwise uncivil. The Chairperson may limit the comments of any person who engages in such conduct. No person may continue to speak after the chairperson has taken the floor from that person.

v. Questions from the Floor. All questions or statements from the floor must be directed to the Chairperson. All others will be ruled out of order.

vi. No Interruption of Speakers. No Commission member should interrupt a speaker during a presentation. The Chairperson shall have the right to interrupt a speaker in order to enforce these, or other applicable, rules.

vii. Interruptions and Other Disturbances. No person shall interrupt the proceedings of a Commission meeting or cause any other form of disturbance or disruption.

viii. Enforcement. Any person violating the standards of process and decorum set forth in these rules may be removed from the meeting at the order of the Chairperson. Sec. 30.105 of the City Code governing Enforcement of Decorum shall be applicable to all meetings of the Council.

4. MEETING ATTENDANCE

Any voting member of a Commission who, for no valid reason, is absent from, or fails to attend, either:

- three consecutive meetings of the applicable Commission, or
- at least 51 percent of the total of all meetings of the applicable Commission commenced during any one year period,

shall be deemed to have resigned from the Commission and that member's office shall, automatically and without further action, be deemed to be vacant as of such date. The affected Commissioner may request that the City Council excuse an absence for a valid reason, as defined by Section 33.001(E) of the City Code.

5. COMMISSION DINNERS

The City provides dinner to Commissioners as a convenience for those arriving shortly after work and in appreciation of their service. Commissions shall abide the by the following guidelines when serving dinner prior to a meeting:

i. *Dinner shall be scheduled at a time prior to the scheduled start of the Commission meeting.* The time is generally thirty minutes prior to the meeting, but can occur at whatever time the Commission desires.

ii. *The dinner period shall not be included on the Commission agenda.* The dinner period is an informal social gathering where **Commission business cannot be discussed**. The Staff Liaison may elect to provide a cover memorandum with the Commission packet that indicates the time of the dinner period.

iii. *Dinner shall be completed prior to calling the scheduled Commission meeting to order.* Commission meetings should abide by the decorum of a public body. All efforts should be made to limit eating and other distractions while the meeting is in session. If possible, the dinner should be held in a different room from the public meeting. In cases where a different room is not available, the food should be cleared from the room prior to the start of the meeting.

iv. Dinner shall be ordered from Highland Park restaurants at a cost of no more than $10 per person.

III. SUBCOMMITTEES AND WORKGROUPS

It is the responsibility of Staff to make sure that all of the administrative and procedural requirements and expectations concerning preparation of meeting agenda and minutes, etc. are followed. To achieve this goal, Commissions shall abide by the following policy regarding subcommittees and workgroups:

A. ADVISE STAFF OF ALL MEETINGS AND GATHERINGS

Make sure that the applicable Staff Liaison is aware of any desired meeting or gathering of all or any group of members of the Commission where City business will be discussed.

B. WORKGROUPS

With the level of research and work being accomplished by the Commissions, there may be times when additional investigation is required outside of the normal course of meetings. To accomplish those tasks, the Commission Chair may find it desirable to assign Commissioners to serve on informal workgroups as opposed to subcommittees. A workgroup is a small group, less than the majority of a quorum, established to accomplish a specific task of a limited duration. The workgroup would not have any final action authority, and does not have any direct interaction with the City Council. Workgroup recommendations must be accepted by the Commission through a formal vote before a recommendation may be forwarded to the City Council.

A workgroup would not fall within the definition of an "open meeting," and therefore would not have the stringent legal requirements noted above. Should the workgroup require staff support, the Commission chair shall forward a request to the appropriate department head through the staff liaison. Please note that, if the number of Commissioners attending a workgroup meeting reaches a majority of a quorum, the meeting is immediately subject to the Open Meetings Act. Therefore, if the meeting was not properly noticed as required, Commission members must leave the meeting (to be less than a majority of a quorum) or the meeting must be adjourned until proper notice requirements are followed.

Depending upon the scope of duties assigned, the workgroup may request additional support for research and expertise. The group may request outside volunteers to assist, but must seek and receive the approval of the Commission in advance.

C. SUBCOMMITTEES

Subcommittees are sub-groups of Commission members that have been formed with the approval of the City Council. A subcommittee is formed for a particular task or charge and may be of either a limited or an indefinite duration. The subcommittee membership generally will require that the Open Meetings Act provisions are followed and staff support will be required.

A subcommittee is formed to research topics and make recommendations to the Commission. Subcommittee recommendations must be accepted by the Commission through a formal vote before a recommendation may be forwarded to the City Council. The subcommittee does not recommend directly to the City Council.

The larger size of the subcommittee generally means that the group will not need to seek additional non-commission support. However, should such a need exist, the request for additional advisory support shall be forwarded to the City Council for approval after a vote of the Commission. The non-commission members of the subcommittee are advisory and would be considered non-voting members of the subcommittee.

HOW TO CONDUCT
AN EFFECTIVE MEETING
INCLUDING ROBERT'S RULES OF ORDER

II. ROBERT'S RULES OF ORDER AND PARLIAMENTARY PROCEDURES

OUTLINE

A. Quorum

B. Method of Voting

C. Votes Required

D. Abstentions (the "*Prosser*" Rule)

E. The Mayor or President's Right to Vote
(Cities and Villages Other Than Statutory Managerial Form)

F. The Mayor or President's Veto Power

G. Reconsideration and Revocation

A. Quorum

1. The Illinois Municipal Code provides that a majority of the corporate authorities shall constitute a quorum to do business. 65 ILCS 5/3.1-40-20.

   a. Acts done by the corporate authorities without a quorum are void, not just voidable. Additionally, a quorum of the body must be present not only to begin a meeting but also at the time of a roll call vote on any proposition.

   b. The mayor or president is counted in determining whether a quorum is present.

B. Method of Voting (see quick reference sheet entitled "Parliamentary Procedures – 10 Common Motions" for proper procedures in specific circumstances)

1. Voice Vote

   When the statutes or local ordinances do not require a roll call vote, a voice vote is sufficient. However, when requested by any trustee, a roll call vote must be taken and recorded in the minutes. 65 ILCS 5/3.1-40-40.

2. Roll Call Vote

The “yeas” and “nays” of each member are required to be taken and recorded in the minutes of the council when voting on:

a. All ordinances,

b. All resolutions and motions creating liability against the village or expenditures, and

c. All resolutions and motions for the expenditure or appropriation of money.

An ordinance is void if the “yeas” and “nays” are not recorded in the minutes or in some other official manner. Additionally, the official copy of the ordinance itself should list the names of all persons voting and how they voted. 65 ILCS 5/3.1-40-40. In the commission form of governments, the “yeas” and “nays” must be called and recorded on *all* votes. 65 ILCS 5/4-5-12.

3. Voting on Motions

a. Motion maker must refrain from speaking against own motion (Roberts §42).

b. Person who seconds a motion is not bound by motion (Roberts §4).

C. Votes Required

a. General rule: concurrence of a majority of those present.

b. Concurrence of a majority of all members holding office (including mayor or president) required for:

- All ordinances,
- All resolutions and motions creating liability against the village, and
- All resolutions and motions for the expenditure or appropriation of money.

c. Special voting requirements; super-majorities (see quick reference sheet entitled “Special and Extra-Majority Voting Requirements”).

D. Abstentions (the "*Prosser*" Rule)

In *Prosser*, the Illinois Supreme Court considered the effect of a trustee's failure to vote on a proposed ordinance. *Prosser v. Village of Fox Lake*, 91 lll.2d 389, 438 N.E.2d 134, 63 lll. Dec. 396 (1982). The Court examined the legal effect of the failure of an elected trustee to vote on an ordinance during a meeting at which he was presiding as the acting village president. The Court held that a legal significance or effect must be given to each failure to vote by a municipal legislator who is present at a board meeting in order to prevent frustration or abuse of the legislative process. The Court distinguished between two different types of actions required for passage and held that where:

- the *concurrence* of the majority is required for passage, a vote of "pass," "present," or "abstain" or a failure to vote when present constitutes an acquiescence or concurrence with the majority who did vote; and

- the *affirmative* vote of the majority is required then only an actual "yea" or "aye" vote will be counted toward passage. An attempt to vote to "abstain" or in any manner other than "yea" or "nay," or a failure to vote shall be considered to have the effect of a "nay" vote.

A local government can, as part of its own procedures, modify the *Prosser* rule so that votes of "pass," "abstain," or "present" are regarded neither as an "aye" nor a "nay."

E. The Mayor or President's Right to Vote (Cities and Villages Other Than Statutory Managerial Form)

1. General Rule: Cannot vote (except statutory managerial form).

   For many years the statute *required* the president to vote in the three instances identified below. However, in 1993, an amendment to the statute appears to have deleted this requirement. This deletion changes the president's vote to an option rather than an obligation.

2. Exceptions: *May* vote:

   a. Where the vote of the trustees results in a tie; or

   b. Where ½ of trustees elected vote in favor; or

   c. Where a vote greater than a majority of the "corporate authorities" is required.

3. In a municipality under the managerial form of government, the mayor or president shall have the right to vote on all matters like an alderman or trustee. 65 ILCS 5/5-3-1.

F. The Mayor or President's Veto Power

The mayor or president has the power to veto *all ordinances* without regard to their subject, and any resolution or motion that:

- creates any liability against the village; or
- provides for the expenditure or appropriation of money; or
- provides for the sale of any village property. 65 ILCS 5/3.1-40-45.

If the mayor or president vetoes an ordinance, resolution or motion, the village board shall reconsider it at the next regular meeting. If, after reconsideration, two-thirds of all the trustees or aldermen then holding office agree to pass the ordinance, resolution or motion over the veto, then it shall be effective. 65 ILCS 5/3.1-40-50; 65 ILCS 5/3.1-45-15.

G. Reconsideration and Revocation

The corporate authorities may reconsider their votes and actions. However, the method of doing so is governed by the rules of procedure adopted by the corporate authorities. The statute provides that "[n]o vote of the city council shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting at least as many aldermen as were present when the vote was taken." 65 ILCS 5/3.1-40-55

1. Reconsideration

a. The Rule

- A motion to reconsider can be made only at ***the same meeting*** at which the vote to be reconsidered was taken.
- See Roberts §36 (based on premise that a Village Board is an assembly with "one day sessions" and not a "standing committee").
- See *Ceresa v. City of Peru*, 133 lll. App.2d 748 (3d Dist. 1971):

  "Where a [city council] has finally voted on a ZBA recommendation for a zoning amendment and no motion for reconsideration...is pending thereon, the city council, upon adjournment of its meeting, has no power to reconsider its action where the rights of other persons have intervened."

b. The Confusion

- Except where statutory or local procedures preclude it, a matter ***can*** be "considered" again at another meeting — it would be classified as a new motion, a motion to renew, or a motion to rescind. The authority to consider a matter again, however, is

subject to any statutory proceedings that may apply (*e.g.*, a public notice and hearing on a zoning matter).

c. The Method

- Motion only by member on *prevailing* side.
- Anyone can second.
- Vote on motion to reconsider first.
- Can lay on the table for future meeting.
- Requires majority vote (regardless of vote required for original action).

d. Renewal: generally allowed but cannot be made at same session as original motion.

2. Revocation: generally allowed.

a. Subject to procedural requirements (if any).

b. Must be by action of equal stature.

c. Rescind /Amend: generally allowed, subject to:

- requires a two-thirds vote, unless advance notice of intent to make the motion is given, in which case only a majority vote is necessary.
- not allowed where:

(1) the matter can be, or has been, called up on a motion to reconsider;

(2) the matter is impossible to undo;

(3) a contract is involved, and the other party has been informed of the original vote; or

(4) an expulsion of a person is involved.

PARLIAMENTARY PROCEDURES – 10 COMMON MOTIONS

	MOTION	IN ORDER WHEN ANOTHER HAS THE FLOOR	MUST BE SECONDED	DEBATABLE	AMENDABLE	VOTE REQUIRED FOR ADOPTION	CAN BE RECONSIDERED
1	Main motion or question	No	Yes	Yes	Yes	Majority (with exceptions)	Yes
2	Amend a pending motion	No	Yes	Yes (with limitations)	Yes	Majority	Yes
3	Suspend rules of order	No	Yes	No	No	2/3 (exceptions apply)	No
4	Debate, to limit or extend limits of, on a pending question	No	Yes	No	Yes	2/3	Yes, but if vote was affirmative, only unexecuted part of order
5	Call for a separate vote on a resolution which is one of a series on different subjects offered by a single motion	Yes	No	No	No	Demand of single member compels specified separate vote	No
6	Lay on the table	No	Yes	No	No	Majority	No
7	Previous question (immediately to close debate and the making of subsidiary motions except the motion to lay on the table) (motion to "call the question" sometimes mistaken for this)	No	Yes	No	No	2/3	Yes, but if vote was affirmative, only before any vote has been taken under it
8	Reconsider	When another has been assigned the floor, but not after he has begun to speak	Yes	If motion to be reconsidered is debatable, in which case debate can go into that	No	Majority	No
9	Take from the table	No	Yes	No	No	Majority	No
10	Adjourn	No	Yes	No	No	Majority	No

NATURAL RESOURCES COMMISSION ACTION PLAN 2011-2012

Action #	ACTION ITEM	Task	Responsible Party	Second Quarter 2011	Third Quarter 2011	Fourth Quarter 2011	First Quarter 2012	Second Quarter 2012	Third Quarter 2012	Fourth Quarter 2012
2011 WORK PLAN APPROVED BY THE CITY COUNCIL										
1	Formulate Recommendation on Plastic Bag Initiative	Determine Tax Logisitics	Corporation Counsel/PW Staff	√						
		Present an Update to the City Council	Bill Bogot/PW Staff		√					
2	Seasonally Update the Educational Displays in the Kiosks at Rosewood and Millard Parks	Work with the Park District to Create and Display Spring Posters	NRC Staff/Commissioners	√				√		
		Work with the Park District to Create and Display Summer Posters	NRC Staff/Commissioners		√				√	
		Work with the Park District to Create and Display Fall Posters	NRC Staff/Commissioners			√				√
3	Participate in Beach and River Cleanup Events	Look into Collaboration with the Alliance for the Great Lakes	Bill Bogot/Commissioners	√						
		Contact Friends of the Chicago River to Volunteer	Bill Bogot/Commissioners	√						
		Secure Dumpster for Collection	Bill Bogot/Councilman Mandel	√						
4	Participate in July 4th Event	Secure Tent, Table and Informational Material	Bill Bogot/Commissioners	√						
		Staff Booth at July 4th Event	Commissioners		√					
5	Organize and Host Environmental Movie Series	Contact Library to Establish Event Date	Wilene Dennison	√	√	√				
		Acquire License to Screen Film	Wilene Dennison/NRC Staff	√	√	√				
		Promote Film Screening	Wilene Dennison/NRC Staff	√	√	√				
6	Organize and Host Stormwater Management Education Event	Secure Location	NRC Staff				√	√		
		Contact Vendors to Participate in Event	NRC Staff/Commissioners				√	√		
		Promote Event	NRC Staff/Commissioners				√	√		
7	Participate in Single-Family Residential Lot Coverage Incentives Working Group	Attend working group meetings and give input	2 Commissioners/PW&CD Staff	√	√	√				
8	Participate in Complete Streets Policy and Non-Motorized Transportation Plan Working Group	Attend working group meetings and give input	Michael Compher/CD Staff	√	√	√				
9	Review and Recommend on Variations and Beach Structure Permit Applications	Forward Findings of Fact to ZBA and City Council	NRC Staff/Commissioners	ONGOING AS NECESSARY						
2011 ELECTIVES OUTSIDE THE SCOPE OF THE APPROVED WORK PLAN										
10	Contribute *Highlander* Articles	Chicago River Cleanup Event	Don Matthews/NRC Staff	√						
		Use of Phosphorous-Free Fertilizers	Bill Bogot/NRC Staff		√					
		Promoting the Use of Tap Water	Don Matthews/NRC Staff			√				
		Success of School Milk Carton Recycling Program	Nancy Himmelfarb/NRC Staff				√			
11	Assist the Park District with Ravine 7L Educational Seminar	Perform Tasks as Requested by the Park District	NRC Staff/Commissioners	√						
12	Assist the Highland Park Library with Green Festival	Perform Tasks as Requested by the Library	Wilene Dennison/NRC Staff	√						
13	Participate in Green Team Initiatives	Attend meetings and give input	Nancy Himmelfarb	ONGOING AS NECESSARY						
14	Attend "Sustainability Team" Meetings	Participate in Quarterly Meetings and Forward Outcomes to Department Heads	Councilman Mandel/PW&CDStaff	√	√	√				
15	Assist in the Accomplishment of Sustainability Plan Initiatives	Establish Implementation Plan	CMO/PW/CD Staff	√	√					

16	Assist in the Implementation of the Polystyrene Pilot Program	Promote Event and Manage Collection Activities	CMO/PW/CD Staff	√	√	√				
INITIATIVES TO CONSIDER FOR 2012 WORK PLAN										
17	Discuss the Merits of Bottled Water and Soft Drink Taxation									
18	Assist in the Formation of Voluntary Ravine Neighbors Associations									
19	Participate in an Arbor Day Event									
20	Participate in an Earth Day Event Event									