



From Your Associate Director

MAY 18TH IS PAST and a new four-year term is ahead of us in township government. I encourage all of the newly elected officials to become familiar with the statutory requirements of their elected position. Remember to take advantage of the educational opportunities being held by the association and your respective divisions. There are several opportunities over the summer to familiarize yourself with the practices and procedures of township government.

This month, I want to review the procedures associated with the appropriate procedures for holding meetings and what is required by the Illinois Open Meetings Act (5 ILCS 100).

Below is a summary of some common themes to questions we receive on a regular basis regarding township meetings.

What constitutes a “township meeting”?

According to the Illinois Open Meetings Act (OMA) (5 ILCS 100), a meeting of a five-member body is any gathering, whether in person or by video or audio conference or other means of contemporaneous interactive communication, of a quorum of the township board members held for the purpose of discussing public business.

What constitutes a quorum at a township meeting?

Specifically for townships, the law was recently changed to reflect that a quorum is three voting members of the township board present at a meeting. This amendment to the OMA was effective on August 17, 2007. This change is also applicable to committees and subcommittees of a public body.

Rationale: A meeting consists of a quorum of a five-member public body such as a township, instead of the previous definition as a majority of the quorum.



FROM THE Mt. Vernon Education Meeting ...

With a township (five member body), three members constitutes a quorum. Two township officials can now meet and discuss public business without it being considered a township meeting.

With regards to a vote—although a township official can participate by audio or video conference, a quorum must be present at the meeting site in order to pass any agenda item where a vote is required.

What is the time and place a meeting can be held?

All public meetings (township meetings) must be held at specified times and places that are convenient for public access. 5 ILCS 120/2.01 provides certain holidays that public meetings cannot be held.

What public notices are required?

For all meetings whether open or closed, proper public notice must be provided. Townships are required under the Act to publish a listing of their regular scheduled board meetings at the beginning of the calendar year or the township fiscal year. This notice includes the date, location and time of the regular township board meeting. The annual notice of scheduled meetings is to be posted in the township office or (if no office exists) at the building or location where the meeting is scheduled to commence.

What should I include on the agenda?

Townships and their committees are required by state law to have an agenda for all meetings. It is important that the agenda be part of the meeting posting and be as specific as possible. Special items and topics of concern that need to be discussed and acted upon at a regular meeting must be listed on the agenda. If the board were to act on an item NOT included on the agenda, the action of the board could be found to be invalidated (Rice v. Board of Trustees of Adams County, 326 Ill. App. 3d 1120 (4th Dist. 2002), if contested. The Act clearly states that the agenda for special, rescheduled or reconvened meetings is valid and the validity of any action taken by the township which is considered to be germane to the agenda item under consideration shall NOT be affected by the item not specifically being part of the posted agenda.

When do I have to post the agenda?

Meeting agendas are required for all meetings and must be posted only at the principal office and at the location of the meeting if it is other than the principal. The posting must be done at least 48 hours in advance of the meeting.

Any agenda item received after the required 48-hour notice will be part of the next available meeting agenda. If a change is made in the date not of a single meeting but of the periodic regular meeting date of the township, notice of the change must be published in a newspaper of general circulation in the area at least 10 days prior to the date of the change.

If individuals show up at your township meeting and request to discuss an item not included on the agenda, what can be done?

As outlined above, all action and discussion items MUST be posted on the meeting agenda a minimum of 48 hours prior to the posted meeting date and time. Therefore, for all issues not included on the agenda, the board can request that the item be presented to the board under the "new business" section. Further, the board can ask that the speaker limit their comments to a specified time period and forward written comments to the township office.

Can an elector be asked to leave a meeting for disruptive behavior?

In a perfect world, everyone gets along, right? If you have an elector or anticipate that an elector may become difficult or present obnoxious behavior—TOI recommends that you invite a member of law enforcement to your monthly meeting. The mere presence of law enforcement can stop individuals from obnoxious behavior. All township meetings are open to the public.

If an elector determines that a township has violated the Open Meetings Act, what can they do?

Electors who have determined that the act has been violated may bring action to enforce the provisions of the Act within 60 days of the challenged meeting or the discovery of the violation by the State's Attorney.

Can a township meeting be cancelled?

Yes, if the Supervisor determines that appropriate cause exists that may cancel and re-schedule a meeting, a notice is required at the township building and the location of the meeting being cancelled. Second, when a new date is determined, the agenda must be posted at least 48 hours in advance of the meeting.




If a Supervisor cannot attend a meeting, who chairs the meeting?

The board meets and elects among the members present a chairman to preside over the meeting. Although not a statutory requirement, this responsibility is mostly given to the most senior trustee of the township board.

Remember, if you have any questions, please contact the Township Officials of Illinois toll free at 866.897.4688. We are happy to assist you in obtaining accurate information to perform your statutory responsibilities as a township official.

TOIPAC UPDATE!

The Tickets are Here! The Tickets are Here!

No. 0751	Win a Trip to  	No. 0751
Name _____	\$10 per Ticket or 3 Tickets for \$20	
Address _____	Plus a Second Drawing for a weekend in CHICAGO	
City _____ State _____	The winning ticket will be drawn on Tuesday, November 10, 2009	
Township _____ County _____	at the TOI Annual Conference Banquet	
Phone _____		<small>Need not be present to Win. Details on other side.</small>
Cell Phone _____	Please Make Checks Payable To: TOIPAC	
Email _____		

 (4 DAYS/THREE NIGHTS) Prize includes airfare and overnight accommodations (including applicable taxes). The winner may elect to forfeit the trip for a cash prize of \$1000.	 SHOP THE MAGNIFICENT MILE!! Overnight Accommodations for a Friday/Saturday night with a dinner gift card for \$100. The winner may elect to forfeit the trip for a cash prize of \$500.	NAME _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____ CELL PHONE _____ EMAIL _____
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TOIPAC is offering two opportunities to win with the 2009 fundraising raffle drawing. Tickets are now available to win a trip to Las Vegas and a weekend in Chicago shopping the Magnificent Mile! Tickets are now available from TOI board members and will be sold at division and association events over the summer. The drawing will be held at the banquet at our Annual Educational Conference.