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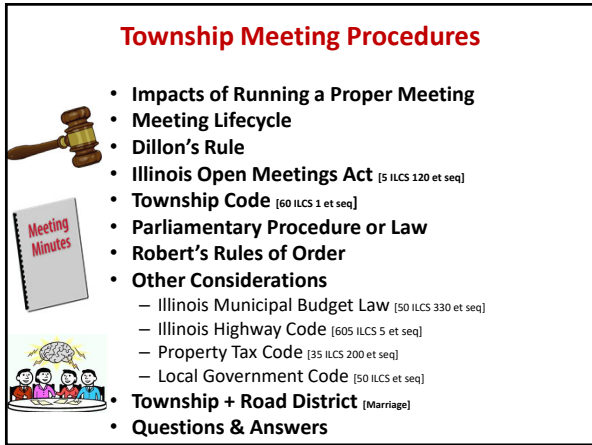
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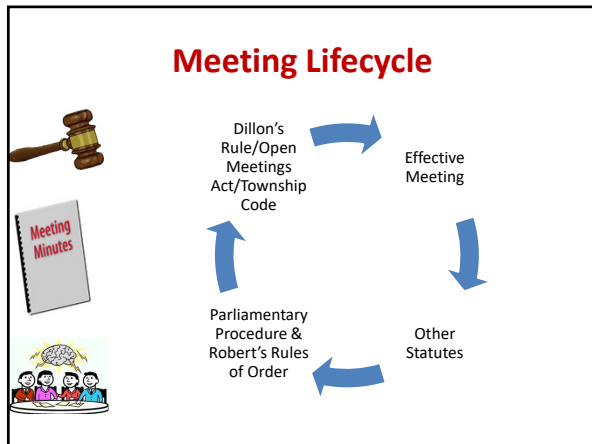
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### John Forest Dillon

- John Forest Dillon, Justice of the Iowa Supreme Court 1862-1869
- Served as Chief Justice 1868-1869
- In 1869 President Grant appointed him as a Federal Judge to the Eighth Judicial Circuit
- Published *Municipal Corporations* in 1872

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### Dillon's Rule

- *"(Local) governments only have the powers that are expressly granted to them by the state legislature..."*
- When there is a question of whether or not a local government has a certain power
- Lawyers call it statutory construction
- Foundation of American Local Government Law

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## Dillon's Rule



### • Illinois Constitution



Article VII, Section 8 states:

*"Townships, school districts, special districts and units, designated by law as units of local government, which exercise limited governmental powers or powers in respect to limited governmental subjects shall have only powers granted by law."*

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## Illinois Open Meetings Act

[5 ILCS 120]



– It is the public policy of this State that:

- public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business.
- In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.

– To implement this policy, the General Assembly declares:

- It is the intent of this Act to protect the citizen's right to know; and
- The provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

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## Illinois Open Meetings Act



### • Definition of "Public body"

- *"includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof."*

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## Illinois Open Meetings Act

### • Definition of a “Meeting”



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

• *“...for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.”*

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## Illinois Open Meetings Act

### • Meeting times/locations



• *“All meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public.”*

• Meetings cannot be held on a legal holiday unless the regular meeting day falls on that holiday.

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## Illinois Open Meetings Act

### • Schedule of Meetings



– At either the beginning of the calendar year or fiscal year a township must make a schedule of regular board meeting listing dates, times and places available for public inspection.

• Schedule must posted at the township office.

• If no township office exist, at the location of the meetings.

• If the township has a website maintained by a full-time staff member, then this schedule must be posted on the website also.

• Schedule must be provided to news media that requested notices.

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## Illinois Open Meetings Act



- Changing a regular meeting date
  - 10 days notice must be provided in a newspaper prior to rescheduled meeting; for townships with population of less than 500 (which no paper is available) must be posted in 3 prominent places in the township.
- Notices of the Annual Schedule, Changes to Meeting Dates, or Special Meetings must also be given to press who requested notices and posted at the township office and/or meeting place.

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## Illinois Open Meetings Act



- Notice & Agenda for Regular Meetings
  - Must be provided at least 48 hours prior to the meeting.
  - Must be posted at the principal office of the township and at the location of the meeting.
  - Public Act 97-827
    - Must be continuously available for public review during the entire 48 hours prior to the meeting.
    - Posting of the notice and agenda on a website maintained by the township, satisfies the requirement for continuous posting.
  - Notice shall state the date, time and location of the meeting.

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## Illinois Open Meetings Act



- Action items must be listed on the posted Agenda.
- Provided to news media that have requested to be notified.
- Must be posted on the township website if the township has a website maintained by a full-time staff member.
- Public Comments
  - *"Any person shall be permitted an opportunity to address public officials under rules established by the public body."* [5/ ILCS 220/2.06]
  - Recommend placing an item on the Township Board Meeting Agenda titled: "Public Comments"

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## Illinois Open Meetings Act



- **Electronic Attendance** (under normal circumstances) [5 ILCS 120/2.01 & 7]
  - A quorum of a Township Board (3 members) must be physically present at the location of the meeting.
  - A Board Member wishing to attend by “other means” should notify the Clerk before the meeting unless advance notice is impractical.
  - A Township Board may allow a member to attend by “other means” if a member cannot physically attend due to:
    - (1) personal illness or disability;
    - (2) employment purposes or the business of the Township; or
    - (3) a family or other emergency.
  - “Other means” is by video or audio conference.
  - Should be outlined in an adopted set of rules.

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## Illinois Open Meetings Act



- **Electronic Attendance During Disasters** (NEW Public Act 101-0640; effective June 12, 2020) [5 ILCS 120/7(e)]
  - If the Governor or Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Act, and all or part of the jurisdiction of the public body is covered by the disaster
  - Head of the public body determines that an in-person meeting is not practical or prudent because of a disaster

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## Illinois Open Meetings Act



- **Electronic Attendance During Disasters** (NEW Public Act 101-0640; effective June 12, 2020) [5 ILCS 120/7(e)]
  - A quorum does not need to be physically present at the meeting location
  - All members of the public body participating in the meeting, wherever their physical location, shall be verified and can hear one another
  - Members of the public at the meeting location can hear all discussion and votes
  - If attendance of the public at the meeting location is not feasible due to the disaster, the public body must make alternative arrangements (i.e. telephone or web-based link)

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## Illinois Open Meetings Act



- Electronic Attendance **During Disasters** (NEW)  
Public Act 101-0640; effective June 12, 2020) [5 ILCS 120/7(e)]
  - At least one member of the public body, chief legal counsel, or chief administrative officer must be physically present at the regular meeting location
  - All votes held remotely shall be done by roll call vote
  - A verbatim recording must be kept of all meetings
  - Same notice requirements
  - Public Comments must be allowed

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## Illinois Open Meetings Act



- Minutes of an “Open” Meeting
  - Minutes must be taken by the Township Clerk
  - Minutes must be approved within 30 days after the meeting or at the next Township Board meeting, whichever is later.
  - Minutes must be made available for public inspection within 10 days after approval.
  - Minutes must be posted on the township website within 10 days after approval if the township has a website maintained by a full-time staff member.
  - Minutes posted on a website must remain posted for 60 days after initial posting

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## Illinois Open Meetings Act



- Meetings must be open to the public unless it is a “closed” meeting as defined by statute.
  - A meeting may be “closed” only per the statutory exemptions.
  - Before going into a “closed” meeting the statutory exemption being used **should be stated** in a properly noticed “open” meeting.
  - Minutes of a “closed” meeting must be taken by the Clerk.
  - “Closed” meetings must be recorded “verbatim”

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## Illinois Open Meetings Act



- "Verbatim" records of a "closed" meeting
  - Must be kept for at least 18 months
  - Can be destroyed after 18 months only after the public body approves this action
- At least semi-annually, the public body must review minutes of all "closed" meetings.
  - At this meeting, the public body determines:
    - The need for confidentiality of the minutes still exist; or
    - The minutes or a portions thereof no longer need to be confidential.
- A meeting is "closed" to the public and non-board members

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## Illinois Open Meetings Act



- Mandatory Open Meetings Act Training [5 ILCS 120/1.05]
  - Provided by the Public Access Counselor (Attorney General)
  - Local Governments are required to designate individuals
  - Designees are required to complete the training within 30 days of being named
  - Public Act 97-504
    - Newly elected or appointed members of Public Bodies must complete the training within 90 days of election or appointment

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## Township Code



- Township Supervisor is the chairman of the Township Board
- Township Clerk is the clerk of the Township Board and is required to keep minutes of all meetings
- Township Supervisor and each Trustee has a single vote on issues before the Board
- Township Clerk only votes if there is a tie when filling a vacancy

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## Township Code



- One of the essential purposes of the Board is to audit bills prior to payment (employee salaries and general assistance payments are exceptions – they can be audited after the fact)
- Township boards may adopt rules to govern meetings. Examples include:
  - Robert’s Rules of Order
  - Rules for Excused Absences
  - Rules for attending meeting by “Other Means” (by video or audio conference)
  - Rules for Public Participation at Board Meetings

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## Township Code



- Special Township Board Meetings
  - Who can call?
    - Township Supervisor may request that the Clerk call a Special Township Board Meeting
    - Any two (2) trustees may request that the Clerk call a special board meeting
  - Township Clerk is responsible for providing Board Members 48 hours Notice of the meeting as well as other 48 hour requirements mentioned earlier in this presentation

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## Parliamentary Procedure



- Also referred to as parliamentary law, parliamentary practice, legislative procedure, or rules of order
- Parliamentary law
  - According to Oxford Dictionaries
    - “the rules that govern the conduct of legislatures and other deliberative bodies”
  - According to the National Asc. of Parliamentarians
    - “rules of the game of democracy”
    - “rules that govern procedures by which civil and criminal laws are made and adopted”
    - “rules and customs that govern deliberative and decision-making assemblies and organizations”

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## Robert's Rules of Order

- Henry Martyn Robert

- Born 1837 in Robertville, South Carolina
- Graduated from West Point in 1857
- Became Brigadier General in the U.S. Army in 1901
- In 1863 he was asked to preside a church meeting (he failed and was embarrassed)



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## Robert's Rules of Order

- He was involved in several organizations
- He found that in depending on the area of the country, parliamentary rules were different and conflicted
- He developed a uniform manual for organizations to use to govern their meetings
- First published in 1876 titled: *Pocket Manual of Rules of Order for Deliberative Assemblies* – Cover title read: *Robert's Rules of Order*
- Now in its 11<sup>th</sup> edition



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## Robert's Rules of Order

- “Robert's Rules of Order is the guide preferred by most professional parliamentarians for being fair and complete.”<sup>1</sup>
- Rules of parliamentary procedure (how to operate a meeting)
- Motions, seconds, tabling, etc.



The Official Robert's Rules of Order Website, [www.robertsrules.com](http://www.robertsrules.com)

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## Robert's Rules of Order

- Robert's Rules of Order
  - Helpful Publications
    - *Robert's Rules of Order, 11<sup>th</sup> edition*
    - *Webster's New World Robert's Rules of Order*
    - *The Complete Idiot's Guide for Robert's Rules*
    - *Robert's Rules of Order Newly Revised Robert's Rules of Order Newly Revised in Brief, 2<sup>nd</sup> edition*
  - Helpful Websites
    - [www.robertsrules.com](http://www.robertsrules.com)
    - [www.rulesonline.com](http://www.rulesonline.com)
    - [www.roberts-rules.com](http://www.roberts-rules.com)
    - [www.illinoisattorneygeneral.gov](http://www.illinoisattorneygeneral.gov) (for assistance with the Open Meetings Act)

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## Robert's Rules of Order

- Basic steps in a motion
  1. A Township Board Member is recognized and makes a motion
  2. The motion is seconded by another Township Board Member
  3. The Supervisor states the motion to the Township Board
  4. The Supervisor allows for discussion/debate of the motion
  5. The Supervisor asked for affirmative and negative votes on the motion (roll call)
  6. The Supervisor announces the results of the vote on the motion and the Clerk takes the record

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## Other Considerations

- Action Items
  - Open Meetings Act states
 

*"The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically on the agenda"* (see below for clarification)
  - Bruce A. Rice v. Adams County decision requires that items must be listed on a local government's meeting posted agenda before final action can be taken (as discussed earlier in this presentation, the agenda must be posted at least 48 hours in advance of the meeting)
  - Public Act 97-827
    - *"Any agenda required under this section shall set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting."*

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## Other Considerations



- Other Statutes
  - Illinois Municipal Budget Law [50 ILCS 330 et seq]
    - Law outlines the procedures for passing your budget and appropriation ordinance
  - Illinois Highway Code [605 ILCS 5 et seq]
    - Law that primarily governs the road district
  - Property Tax Code [35 ILCS 200 et seq]
    - Law pertaining to the assessor & assessments
  - Local Government Code [50 ILCS 105 et seq]

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## Township + Road District



- Captain of the ship
  - Highway commissioner is in-charge of the road district, the CEO or management
  - Not unlike the county officers being in-charge of their offices (sheriff, clerk, recorder, etc.)
  - Think of the Township + Road District relationship as a financial marriage
  - The township board is the financial watchdog

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## Township + Road District



- Budget & Appropriation Ordinance
  - At the budget hearing the township board of trustees **shall** adopt the tentative budget and appropriation ordinance, *or any part as the board deems necessary.* [605 ILCS 5/6-501(c)]
  - The board of trustees is also involved in line item transfers
  - The board of trustees is also involved in budget amendments

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## Township + Road District



- Transferring funds
  - Through a specific statutory process, the township may transfer funds from the town fund to the road fund [60 ILCS 1/245-5]



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## Township + Road District



*Peace*

*When fire and water are at war it is the fire that loses.*

Spanish proverb



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## Questions & Answers



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