

**VILLAGE OF TOLEDO
CUMBERLAND COUNTY, ILLINOIS**

ORDINANCE NO. 531

**AN ORDINANCE DEFINING MEETING AND ADOPTING
PROCEDURES FOR PUBLIC PARTICIPATION**

**PASSED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF TOLEDO**

THIS _____ DAY OF _____, 2017

**PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF TOLEDO,
CUMBERLAND COUNTY, ILLINOIS**

THIS _____ DAY OF _____, 2017.

ORDINANCE NO. _____

AN ORDINANCE DEFINING MEETING AND ADOPTING PROCEDURES FOR PUBLIC PARTICIPATION

WHEREAS, the Village of Toledo, Illinois, is an Illinois municipal corporation subject to the provisions of the Illinois Open Meetings Act, 5 ILCS 120/1 et seq.; and,

WHEREAS, the Illinois General Assembly amended the Illinois Open Meetings Act pursuant to Public Act 94-1058, which went into effect on January 1, 2007, amending the definition of a “meeting”; and,

WHEREAS, the Illinois General Assembly amended the Illinois Open Meetings Act pursuant to Public Act 96-1473, which went into effect January 1, 2011, requiring any person be provided an opportunity to address public officials during any open meeting, under rules established by the public body; and,

WHEREAS, the corporate authorities of the Village of Toledo, Illinois, find that it is necessary that any existing ordinances, resolutions or policies be amended to redefine the term “meeting” to include electronic gatherings as defined in Section 120/1.02 of the Open Meetings Act; and,

WHEREAS, the corporate authorities of the Village of Toledo, Illinois, desire to permit public participation at meetings in compliance with the Open Meetings Act; and,

WHEREAS, the Board of Trustees of the Village of Toledo, Illinois, after careful consideration, and in an effort to implement and comply with the Illinois Open Meetings Act, deems it necessary to adopt a policy regarding public participation at meetings.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF TOLEDO, CUMBERLAND COUNTY, ILLINOIS, THAT:

Section 1: Recitals. The preliminary paragraphs set forth above are incorporated herein as part of this Ordinance.

Section 2: Definition of Meeting. The term “Meeting” as used in any existing Village of Toledo, Illinois, resolution, ordinance or rules shall be defined to mean “Any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of

a quorum of the members of a public body held for the purpose of discussing public business” or such other definition as shall be contained within the state statutes.

Section 3: Amendment of Previous Terms. The definition of “Meeting” set forth in Section 2 shall supersede and replace any other definition used in any previous or existing ordinance, resolution, or policy.

Section 4: Public Participation Policy. Effective on and after July 01, 2017, the Board of Trustees of the Village of Toledo, Illinois, and each and every board or commission appointed by or otherwise under the jurisdiction of the Board of Trustees of the Village of Toledo, Illinois, shall adopt the Public Participation Policy, attached hereto, that permits a person to participate and speak at any Meeting of the public body as defined in the Open Meetings Act, provided that such participation is in compliance with the policy and any applicable laws.

Section 5: Effective Date. This Ordinance shall be in full force and effect from after its passage, approval and publication in pamphlet form in a manner provided by law.

Section 6: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Published in pamphlet form this _____ day of _____, 20____.

Presented, passed and approved this _____ day of _____, 20____.

Kenneth Alan Ingram	_____
Clinton Devall	_____
Keith Titus	_____
Ryan Markwell	_____
Larry Stults	_____
Johnny St. John	_____

YEAS: _____

NAYS: _____

VILLAGE OF TOLEDO, ILLINOIS

John Beck, President

ATTEST:

Joyce A. Cummins, Village Clerk

STATE OF ILLINOIS)
) SS.
COUNTY OF CUMBERLAND)

CERTIFICATE

I, Joyce Cummins, certify that I am the duly elected and acting municipal clerk of the Village of Toledo, Cumberland County, Illinois.

I further certify that on _____, 2017, the corporate authorities of such municipality passed and approved Ordinance No. _____ entitled "An Ordinance Defining Meeting and Adopting Procedures for Public Participation" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on _____, 2017 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at _____, Illinois this ____ day of _____, 2017.

(SEAL)

Joyce A. Cummins, Village Clerk

**VILLAGE OF TOLEDO, ILLINOIS
PUBLIC PARTICIPATION POLICY**

- Section 1.** **Policy Statement.** It is the policy of the Village of Toledo, Illinois, that any member of the public is provided an opportunity to speak and participate in any Meeting of the Village of Toledo, Illinois, which is subject to the provisions of the Open Meetings Act.
- Section 2.** **Prerequisites.** Anyone wishing to speak at a Meeting of the Village of Toledo, Illinois, which is subject to the provisions of the Open Meetings Act, must file a written request with the Village Clerk, on the form provided by the Village Clerk. **This completed form must be submitted to the Village Clerk not less than five (5) minutes prior to the Meeting,** which the speaker wishes to address. The form shall include the name of the speaker **and the subject matter.** Each request to speak at a Meeting must be submitted on a separate form, and the forms may not be submitted more than two (2) weeks prior to the Meeting the speaker wishes to address.
- Section 3.** **Participation at a Meeting.**
- a. Any person, who has properly submitted the necessary form(s) to speak at a Meeting, shall be authorized to speak during the public comment portion of the agenda only.
 - b. Prior to speaking, a person shall identify themselves by name.
 - c. In order to conduct an efficient meeting, all comments by a speaker shall be limited to five (5) minutes, unless a majority of the Board of Trustees **and the President agree to extend the time.**
 - d. Speakers shall address their comments and/or questions to the Board of Trustees, and not to other members of the audience.
 - e. Persons addressing the Board of Trustees should not expect an answer at the conclusion of a person's comments, **nor shall they be allowed to question the President or the Board of Trustees.**
- Section 4.** **Personal and Slanderous Remarks.** Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Board of Trustees may be requested to leave the Meeting. Any person who does not obey the request of the President to cease using impertinent, slanderous, or insulting language or otherwise disrupting the Meeting shall, after a motion by any trustee, and majority vote of the Board of Trustees, be expelled and directed to leave the Meeting.

PUBLIC PARTICIPATION REQUEST FORM

Date: _____

I request to speak during the public comment portion of the next Village Board of Trustees meeting scheduled for _____, 20____. I will have the ability to address those present, but understand that this will not be a question and answer format.

Name: _____

Subject:



TRACY A. WILLENBORG
Attorney at Law
willenborg@taylorlaw.net

June 7, 2017

Joyce Cummins, Clerk
Village of Toledo
P.O. Box 443
160 Courthouse Square
Toledo, IL 62468

Re: An Ordinance Defining Meeting and Adopting Procedures for Public Participation

Dear Joyce:

Please find enclosed an Ordinance Defining Meeting and Adopting Procedures for Public Participation. Please review carefully and advise if you have any questions or concerns.

If acceptable, you will need to place the same on file at the Village Hall, fill in the date of filing the same within the Ordinance, and present for passage at the next Board meeting. After passage, please execute the Ordinance, and provide an executed copy of the Ordinance to me for our files.

If you have any questions and/or concerns, please feel free to contact me.

Thanking you, I remain

Sincerely,

TAYLOR LAW OFFICES, P.C.

By: 

Tracy A. Willenborg

TAW/hjp
Enclosures