

**CHAPTER 2**  
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**2.01 GOVERNMENT OF VILLAGE**

The Village shall be governed by a Board of Trustees which shall be elected at large and shall consist of a Village President and six Trustees.

**2.02 ELECTION AND TERMS**

A. The members of the Board of Trustees shall be elected and serve for a four-year term, and until their successors are elected and qualified, as provided by law.

B. The terms of the Village President, members of the Board of Trustees and the Village Clerk shall begin at the first meeting in May following their election. If election results are not available at the first meeting in May, the term of office shall begin at the first regular or special meeting following receipt of the election results.

**2.03 REGULAR MEETINGS**

Regular meetings of the Village President and Board of Trustees shall be held on the second and fourth Thursday of each and every month in the Village Hall at 7:30 p.m. with the exception of November and December when only the first meeting of the month is held. The annual meeting shall be held at the first meeting in May.

## **2.04 SPECIAL MEETINGS**

Special meetings of the Board of Trustees may be called by the Village President or by any three Trustees, provided that written notice of such meetings shall be given to each member of the Board of Trustees no less than 48 hours prior thereto, as follows:

1. Written notice shall be given to all members of the Board of Trustees by delivery to their residences of a notice of the meeting, which shall include the date, time, place, and subject matter of the special meeting. Minutes of the special meeting shall indicate how notice was provided to the members.
2. Notice of the meeting shall be posted at the location of the meeting at the Village Hall and at the police station. Said posted notice shall indicate the date, time, place and subject matter of the special meeting.
3. Notification of the special meeting shall be given to all news media requesting notification as provided by law.

## **2.05 PRESIDING OFFICER**

The Village President shall be the presiding officer of all meetings of the Board of Trustees, and of meetings of the Committee of the Whole of the Board of Trustees. In the absence of the Village President, the Clerk shall open the meeting and the Board of Trustees shall select a member to serve as temporary presiding officer.

## **2.06 QUORUM**

A majority of the elected members of the Board of Trustees shall constitute a quorum thereof.

**2.07 ~~ORDER OF BUSINESS; SERGEANT AT ARMS~~** Repealed and Reserved by Ordinance 2017-10

## **2.08 MEETING ATTENDANCE**

Each meeting of the Board of Trustees shall convene at the time appointed for such meeting, as provided herein. The Village Clerk, or in his or her absence a member of the Board of Trustees or a recording secretary, shall there upon immediately call the roll of members. If no quorum is present, then the Board of Trustees shall not thereby stand adjourned, but the members present shall be competent, by majority vote, to adjourn or recess the Board of

Trustees to another specific date and time prior to the next regularly scheduled meeting.

## **2.09 OPEN MEETINGS ACT AND PUBLIC COMMENT AT OPEN MEETINGS**

A. All Village meetings shall comport with the Illinois Open Meetings Act (5 ILCS 120/1 et seq.), as amended.

B. Unless otherwise provided by law, all agendas for public meetings shall provide an item for Public Comment, generally, or shall provide an item for Public Comment on Agenda Items and an additional item for Audience Participation. Public Comment on any agenda items shall precede or be contemporaneous with consideration of that item. For any public hearings, the public shall have the right to participate in the hearing in the manner established by the Chairperson of that Board, consistent with applicable law.

C. Members of the public are invited and permitted to speak at any public, open meeting of the Village Board and any other commission, committee, board or other public entity created by or subject to the Village's jurisdiction, ordinances and control, subject to the following rules:

1. Individuals wishing to be heard on an item that is not on the agenda may be recognized by the President or Chairperson during the Public Comment or Audience Participation portion of each meeting and may be required to sign up on a list to speak.
2. Individuals wishing to be heard on an item that is included in the agenda will be provided an opportunity to speak by the President or Chairperson and may be required to sign up on a list to speak.
3. Public comment, in the absence of a public hearing, may be restricted to no more than three minutes for each individual speaker. The President or Chairperson may permit additional comment in his or her discretion taking into account the number of persons wishing to be heard on a matter and the amount of business requiring attention.
4. Members of the public may be asked to avoid repeating comments that have already been made, although they may be given the opportunity to indicate that they agree or disagree with an earlier speaker.
5. Members of the public will be required to step forward to the podium and to identify themselves for

the record. Members may be asked but are not required to provide an address for the record.

6. The President or Chairperson shall require that order and decorum be maintained at public meetings. This includes prohibiting outbursts from the public or other behavior that is threatening, disorderly or disruptive to the public business. The President or Chairperson may eject from a public meeting any person who, in the President or Chairperson's sole opinion, disrupts the order and decorum of the meeting or otherwise violates the rules of this Section.
7. Public comment shall be restricted to the portions of meetings which are required to be open to the public under the Open Meetings Act. Nothing in this Section shall be construed to allow public access to or public comment at closed sessions or any other meeting of public officials which is not required to be open to the public under the Open Meetings Act.
8. To the extent necessary, each public body subject to the Village's jurisdiction, ordinances and control, shall adopt the public comment rules of this Section at the first public meeting of each public body following the adoption of this ordinance.

## **2.10 RECONSIDERATION**

A vote or question may be reconsidered at any time during the same meeting or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold public hearings shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation. When a motion to reconsider such a motion is made at the same meeting as the passage of the original motion, it may be tabled to a later date certain.

A motion to reconsider must be made by a member of the Board of Trustees who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law, provided, however, that when a motion has received a majority vote in the affirmative but is declared lost solely on the ground that a greater number of affirmative votes are required by statute for the passage or

adoption of such motion, then in such case a motion to reconsider may be made only by those who voted in the affirmative on such question. A motion to reconsider need not be seconded.

### **2.11 RECONSIDERATION AT SPECIAL MEETING**

No vote of the Board of Trustees shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting as many members of the Board of Trustees as were present when the vote was taken.

### **2.12 COMMITTEE OF THE WHOLE**

There is hereby established "the Committee of the Whole" of the Board of Trustees which shall meet at 7:30 p.m. the Tuesday immediately prior to each regular meeting of the Board of Trustees to conduct general discussion on items, issues and proposals pertinent to the operation of the Village government.

The Committee of the Whole shall be chaired by the Village President or in his or her absence the Board of Trustees shall select one of its own members to serve as temporary meeting chairman.

During the Committee of the Whole meeting the Board of Trustees shall hear reports of all Department Heads present, as well as any citizen or petitioner comments. General discussion may take place and the Committee of the Whole may poll its members for action that it would recommend be considered by the Board of Trustees at the next regular meeting of the Board of Trustees. Committee of the Whole meetings shall be for discussion purposes only and formal action may not be taken.

Minutes of all Committee of the Whole meetings shall be recorded by the Village Clerk or designated committee member and shall be maintained in the Office of the Village Clerk.

Any special Committee of the Whole meeting shall be posted in accordance with the Illinois Open Meetings Act.

### **2.13 SPECIAL COMMITTEE ASSIGNMENTS**

The Village President, or in his or her absence any three members of the Board of Trustees, may appoint a special committee to conduct investigations, make detailed studies of pending proposals or projects and deliver specific findings to the Board of Trustees for final action.

The findings of any special committee shall be reduced to a written report. On presentation to and acceptance of the committee's report to the Board of Trustees the special committee shall be disbanded.

Any special committee must conform to the requirements of the Illinois Open Meetings Act. The special committee shall consist of the chairman, vice-chairman and one member as appointed by the Village President for the specific project.

Minutes shall be taken at all special committee meetings.

#### **2.14 SALARIES OF ELECTED OFFICIALS**

A. TRUSTEES: The Village shall pay each member of the Board of Trustees \$75.00 for each regular and special meeting of the Board of Trustees and Committee of the Whole meetings attended by that Trustee. Trustees shall not be paid for special committee functions or Ad Hoc meetings. During the months of November and December, each Trustee shall be paid \$150.00 for the one Committee of the Whole meeting and the one regular Village Board meeting conducted during those months provided that the Trustee attends those meetings.

The Village shall pay each Trustee who is in office after the election of April 5, 2005, \$125.00 for each regular and special meeting of the Board of Trustees and Committee of the Whole meetings attended by that Trustee. Trustees shall not be paid for special committee functions or Ad Hoc meetings. During the months of November and December, each Trustee shall be paid \$250.00 for the one Committee of the Whole meeting and the one regular Village Board meeting conducted during those months provided that the Trustee attends those meetings.

B. VILLAGE PRESIDENT: The Village shall pay the Village President \$6,000.00 per fiscal year, paid in equal monthly installments.

The Village shall pay the Village President who is in office after the election of April 5, 2005, the salary of \$10,800.00 per fiscal year, paid in equal monthly installments.

C. VILLAGE CLERK: The Village shall pay the Village Clerk \$5,200.00 per fiscal year, paid in equal monthly installments.

The Village shall pay the Village Clerk who is in office after the election of April 5, 2005 the salary of \$6,000.00 per fiscal year, paid in equal monthly installments.

## 2.15 RULES OF ORDER AND PROCEDURE

The following rules of order and procedure shall govern the deliberations and meeting of the Board of Trustees and the committees thereof.

### A. DUTIES:

1. Duties of Presiding Officer: The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members and shall decide all questions of order subject to appeal. The presiding officer may speak to matters being considered by the Board of Trustees without relinquishing the chair. If the presiding officer refuses to allow a member of the Board of Trustees to exercise his or her right to appeal a decision of the chair, then the Board of Trustees may consider and pass on the matter in spite of the chair's failure to grant them an appeal.

In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the meeting room to be cleared.

2. MEMBERS, DUTIES OF MEMBERS: Every member, previous to speaking or making a motion, shall address himself or herself to the presiding officer and shall not proceed with his or her remarks until recognized and named by the presiding officer. The members shall confine themselves to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

When two or more members address the presiding officer at the same time, the presiding officer shall name the member who is first to speak.

B. VISITORS: Except during the time allotted for public discussion and comment, no person other than a member of the Board of Trustees shall address that body, except with the consent of two of the members present. The Board of Trustees by a majority vote may limit the time available for public comment.

C. DEFERRING NEW BUSINESS: Upon the request of any two members of the Board of Trustees present, any report of a committee of the Board of Trustees shall be deferred (for final action thereon) to the next regular meeting of the Board of Trustees after the report is made.

D. DEBATE: No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration or the chairman of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member shall speak longer than five minutes at any one time, except by consent of the Board of Trustees. In closing debate on any questions, as above provided, the speaker shall be limited to five minutes, except by special consent of the Board of Trustees.

While a member is speaking, no member shall hold any private discussion or pass between the speaker and the presiding officer.

E. CALL TO ORDER: A member, when called to order by the presiding officer, shall thereupon discontinue speaking and take their seat, and the order of ruling by the presiding officer shall be binding and conclusive, subject only to the right of appeal.

The presiding officer, when called to order by any member of the Board of Trustees, shall thereupon discontinue speaking and take their seat, and the order of ruling by the member shall be binding and conclusive, subject only to the right of appeal.

F. APPEALS FROM DECISIONS OF THE CHAIR: Any member may appeal to the Board of Trustees from a ruling of the presiding officer and, if the appeal is seconded, the member making the appeal may briefly state their reason for the same, and the presiding officer may briefly explain their ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the presiding officer be sustained?" If a majority of the members present vote "No," the decision of the presiding officer shall be overruled; otherwise, it shall be sustained.

G. QUESTION OF PERSONAL PRIVILEGE: The right of a member to address the Board of Trustees on a question of personal privilege shall be limited to cases in which their integrity, character or motives are assailed, questioned or impugned.

H. VOTING: Every member who shall be present when a question is stated from the presiding officer shall vote thereon or abstain at the time that their name is first called. A failure to vote shall be counted as an abstention and will count in the manner established by law. Any member required to abstain on a matter due to conflict of interest shall so declare.



I. SPECIAL ORDER OF BUSINESS: Additional matters may be added by the Board of Trustees if two-thirds of the Trustees present vote in the affirmative, but not otherwise.

J. SECONDING OF MOTIONS REQUIRED; WRITTEN MOTIONS, READING OF MOTIONS, RESOLUTIONS, ORDINANCES, MINUTES AND CORRESPONDENCE: No motion shall be put or debated by the Board of Trustees unless it be seconded, provided, however, that neither the maker nor seconder of a motion shall be required to vote in favor of that motion. When a motion is seconded, it shall be stated by the presiding officer before debate.

Every motion before the Board of Trustees, except motions of procedure, shall be reduced to writing, if required by a member, and the member who proposed the motion shall be entitled to the floor.

No resolution, ordinance or minutes need be read prior to consideration, but such items may be read in response to a motion passed seeking such reading.

Copies of correspondence received by the Village Clerk or Village President shall be distributed before the meeting to all members of the Board of Trustees. Correspondence received by municipal officials need not be read in full at Village Board meetings unless pertinent to a matter before discussion. Correspondence received may be summarized at Board of Trustees meetings.

K. WITHDRAWAL OF MOTIONS: If the maker of the motion desires to withdraw the motion, he or she may do so. The seconder of the motion may renew the motion as its maker and seek a new seconder. If the seconder of a motion wishes to withdraw the second, he or she may do so. The maker of the motion may seek an additional seconder before the motion is ruled out of order for lack of a second. Neither the maker nor the seconder of a motion may withdraw the motion, except with the consent of a majority of the Board of Trustees, once discussion on the motion has ceased.

L. DIVISION OF QUESTIONS: If any question under consideration contains several distinct propositions, the Board of Trustees, by a majority vote of the members present, may divide such question.

M. RECORD OF MOTIONS: In all cases in which a resolution or motion is entered in the journal, the name of the members moving and seconding the same shall be entered.

N. TAKING AND ENTERING THE VOTES; EXPLANATION OF THE VOTES: The "yeas" and "nays" on any question shall be taken and entered in the journal. When the Village Clerk has commenced to call the roll of the Board of Trustees for the taking of a vote by "yeas" and "nays," all debate on the question before the Board of Trustees shall be deemed concluded, and during the taking of the vote a member shall be permitted briefly to explain their vote and shall respond to the calling of their name by the Village Clerk by answering "yea" or "nay" or "abstain," as the case may be.

O. ANNOUNCEMENT AND CHANGES OF VOTES: The result of all votes by "yeas" and "nays" shall not be announced by the Village Clerk but shall be handed to the Village President for announcement, and no vote shall be changed after the tally list has passed from the hands of the Village Clerk.

P. COMMITTEES, JURISDICTION OF COMMITTEES: Committees of the Board of Trustees and their jurisdiction and duties shall be pursuant to this Code.

Q. THE JOURNAL: The Village Clerk shall keep the journal of the proceedings of the Board. No more than 10 days after each meeting of the Board of Trustees, the Village Clerk shall supply to each member a copy of the proceedings (minutes). The journal shall be approved periodically. The Village Clerk's draft of the journal of proceedings may be amended to reflect correctly the view of the legislative body as to the events that occurred.

R. ORDINANCES:

1. Style of Ordinances: The style of all ordinances shall be "BE IT ORDAINED by the Village President and Board of Trustees of the Village of Lake in the Hills, McHenry County, Illinois," as provided by statute.
2. "Yea" and "Nay" Vote: The yeas and nays shall be taken on the passage of all ordinances and on all propositions to create any liability against the Village, or for the expenditure or appropriation of its money, and in all other cases at the request of any member of the Board of Trustees. Such vote shall be entered on the journal of the proceedings, as is provided by statute.
3. Record of Ordinances: The Village Clerk shall record, in an ordinance book used for such purpose, all ordinances passed by the corporate authorities.

4. Publication: All ordinances imposing any fine, penalty, imprisonment or forfeiture or making any appropriation, shall be published as required by statute.
5. Time of Taking Effect: No ordinance that must be published to comply with the foregoing section shall go into effect until 10 days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the members of the corporate authorities then holding office. In all other cases, the ordinances shall go into effect upon the passage thereof, as provided by statute, even though the operation of the ordinance may not take effect until a later date.

S. ADOPTION OF *ROBERT'S RULES OF ORDER*: The rules of parliamentary practice contained in the latest published edition of *Robert's Rules of Order* shall govern the Board of Trustees in all cases to which they are applicable and in which they are not inconsistent with the special rules of this Board of Trustees or the statutes or laws of the state.

T. TEMPORARY SUSPENSION OF RULES; AMENDMENT OF RULES: These rules may be temporarily suspended, repealed, altered or amended by a two-thirds vote of the corporate authorities then holding office.

U. CENSURE OF MEMBERS; EXPULSION OF MEMBERS: Any member of the corporate authorities acting or appearing in a lewd, disorderly or disgraceful manner, or who uses opprobrious, obscene or insulting language to or about any member of the corporate authorities, or who does not obey the order of the chair, shall be, on motion, censured by a majority vote of the corporate authorities and, in addition, may be fined not to exceed \$25.00 for each such occurrence. With the concurrence of two-thirds of the corporate authorities elected, the corporate authorities may expel a member, but not a second time for the same offense.

## **2.16 TELEPHONIC ATTENDANCE AT MEETINGS**

A. RULES FOR MEETING ATTENDANCE: In addition to holding meetings pursuant to the Open Meetings Act, 5 ILCS 120/1 et seq., Village Board meetings shall be subject to the following rules:

1. A quorum of the Village Board shall be physically present at the location of an open or closed meeting, except that during declared states of federal, state, or local emergency, the requirement

for physical attendance at meetings will be waived, to the fullest extent allowed by law.

2. Provided a quorum is physically present (or that such requirement has been waived if permitted by law), a member may be allowed to attend the meeting by audio or video conferencing. The telephone or video connection of the non-present Board member must provide a clear connection, and be in a location with relatively no background noise. The non-present Board member must be able to hear all comments made by other Board members and from the public if public comments are expected.
3. Any member who wishes to be considered present at a meeting by audio or video conference may make such a request to the Village Board by notifying the Village Administrator one (1) day prior to the meeting, unless advance notice is impractical, that the member cannot physically attend the meeting for one of the following reasons:
  - a. Personal illness or disability;
  - b. Employment purposes or Village business; or
  - c. A family or other emergency.
  - d. Other qualified emergency to the fullest extent permitted by law.
4. An affirmative vote by a majority of the Village Board physically present may allow a member to attend a meeting as provided herein except no such vote shall be required in the event of a qualified emergency to the fullest extent permitted by law.
5. The Clerk shall record in the minutes of every meeting the members physically present, absent and present by audio or video conference.

*Recodified June 14, 2001*  
*Amended December 13, 2001*  
*Amended September 26, 2002*  
*Amended March 24, 2005*  
*Amended September 26, 2006*  
*Amended October 26, 2006*  
*Amended April 9, 2015*  
*Amended February 9, 2017*  
*Amended April 9, 2020*