

CHAPTER 30: PRESIDENT AND BOARD OF TRUSTEES

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§ 30.01 INAUGURATION; TERMS OF OFFICE.

The date for inauguration for newly elected municipal officers and the commencement of their respective terms of office shall occur at the first regular or special meeting of the Corporate Authorities of the Village in the month of June following the election in April.

(Ord. 2014-2-1-A, passed 06-18-14)

§ 30.02 BOND REQUIREMENTS.

- A. **Bond Required:** Before entering upon the duties of their respective offices, all Village officers, except trustees of whom no bond shall be required, shall execute a bond with security to be approved by the Corporate Authorities of the Village. The bond shall be payable to the Village, unless otherwise provided by law, in such sums as established by the Corporate Authorities from time to time and conditioned upon the faithful performance of the duties of their office and the payment of all money received by such officer according to law and also the ordinances of the Village. The bond so required may provide that the obligation of the sureties shall not extend to any loss sustained by the insolvency, failure or closing of any bank organized and operating either under the laws of the State or the United States wherein such officer has placed funds in his custody if the bank has been approved by the Corporate Authorities as a depository for these funds.
- B. **Type of Security:** Security may be provided by corporate surety and only one surety shall be required and any company duly authorized to do surety business in the State shall be sufficient. If a bond is executed by a surety or sureties as provided for in this subsection, the requirement as to the approval of the Corporate Authorities as to the security of the bond shall have been deemed satisfied, and in such case, the bond premium shall be paid by the Village.
- C. **Filing:** The bonds hereinbefore provided for shall be filed with the Village Clerk, except the bond of the Village Clerk, which shall be filed with the Village Treasurer.

(Ord. 2014-2-1-A, passed 06-18-14)

§ 30.03 EXPENSES AND COMPENSATION.

- A. Expenses: All Village officers shall be reimbursed for any out-of-pocket expenses incurred in the performance of their duties as Village officers or while, or in connection with, attending to or carrying out Village business.
- B. Compensation: The elected Village officers designated herein shall receive compensation as salaries as fixed from time to time by the Board of Trustees, as distinguished from the expenses provided for in Paragraph A above.
 - 1. Village Trustee: Effective upon the commencement of their respective terms after May 31, 2015, the compensation of each Trustee of the Village shall be, and is fixed at, the sum of Seventy-Five Dollars (\$75.00) per month, which compensation shall be paid to each such Trustee every month during the term of such Trustee.
 - 2. Village President: Effective upon the commencement of the Village President's term after May 31, 2015, the compensation of the Village President shall be, and is fixed at, the sum of One Hundred Fifty Dollars (\$150.00) per month, which compensation shall be paid to the Village President each month during the term of said Village President.
 - 3. Compensation of Employees Generally: Any person or persons employed by the Village shall be compensated at a level not to exceed that established by the annual appropriation ordinance then in effect.
- C. Payment:
 - 1. Expenses: All out-of-pocket expenses of Village officers as provided for in this Section shall be paid after submission of an itemized list thereof to the Village Treasurer and upon approval by the Board of Trustees.
 - 2. Compensation: All compensation or salaries of all Village officials and employees shall be paid monthly. The Village Treasurer shall prepare a payroll and expense list monthly which, when signed by the Village President and Village Clerk, shall authorize the issuance of checks for the salaries and expenses indicated to be due.

(Ord. 2014-2-1-A, passed 06-18-14)

§ 30.04 INDEMNIFICATION OF OFFICERS.

- A. Definitions: As used in this Section, the following words and terms shall have the meanings ascribed to them in this subsection:

EMPLOYEE: Any employee of the Village.
OFFICER: Includes any elected or appointed official of the Village.
- B. Claim or Action: If any claim or action is instituted against any present officer or employee or former officer or employee of the Village based on an injury allegedly arising out of an act or omission occurring within the scope of his or her employment or official duties as such employee or officer, the Village shall, to the greatest extent permitted by law.

1. Appear and defend against the claim or action; and
 2. Indemnify the officer or employee or former officer or employee for his or her attorney fees and court costs incurred in the defense of such claim or action; and
 3. Indemnify the officer or employee or former officer or employee for any judgment based on such claim or action; or
 4. Indemnify the officer or employee or former officer or employee for any compromise or settlement of such claim or action if approved in advance by the Village.
- C. No Waiver of Defenses: Nothing in this Section shall be construed as waiving any defense of the Village or its employees or officers, including, but not limited to, any defense provided by the Illinois Local Governmental and Governmental Employees Tort Immunity Act as it may exist from time to time, in any action brought against the Village or such officer or employee.
- D. Notice Required: The provisions of this Section shall apply only where the Village has been given notice or has actual notice of any actions brought against any Village employee or officer, based upon any action of such employee or officer within the scope of his or her authority as such. Any Village officer or employee against whom a claim or action is instituted shall notify the Village of such claim, in writing, within thirty (30) days of service of process upon such officer or employee.

(Ord. 2014-2-1-A, passed 06-18-14)

§ 30.05 STANDING AND SPECIAL COMMITTEES.

The President shall appoint the members of the standing and special committees, and shall designate the chairperson of each committee.

§ 30.06 MEETINGS.

- (A) The Board of Trustees shall hold its regular meetings at the Village of Port Barrington Village Hall, unless otherwise ordered, on the second and fourth Wednesday of each month at 7:00 p.m., except when such date falls on a legal holiday in which event the meeting shall be held on the next succeeding business day, or at such other times as it may prescribe. No notice of regular meetings shall be required. The meeting held on the second Wednesday shall be a meeting of the President and Board of Trustees meeting as the Committee of the Whole unless a special meeting is also called for that date. The meeting held on the fourth Wednesday shall be the regular monthly meeting of the President and Board of Trustees.
- (B) The President or any three of the Trustees may call special meetings of the Board at any time. The Clerk shall notify all members of the Board of such meeting at least two days before the same is held, by delivering a written notice, stating the time and place of such meeting, to each member personally, or by leaving the notice at his residence.
- (C) Whenever all of the members of the Board of Trustees are present at any special meeting, the requirement of notice to members of the Board of such special meeting shall be deemed waived.

(Amd. Ord. 2020-10-01, passed 10/21/2020)

§ 30.07 PRESIDENT TO PRESIDE.

The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees, and at all times when the Board meets as Committee of the Whole.

§ 30.08 RULES OF ORDER.

- (A) Robert's Rules of Order. Robert's Rules of Order shall govern the deliberations of the Board of Trustees except when in conflict with any of the other provisions of this Code of Ordinances or Illinois statutes.
- (B) Rescinded action. No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board of Trustees unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by statute.
- (C) Resolutions. Any resolutions submitted to the Board of Trustees shall be reduced to writing before being voted upon on request of any two members of the Board.
- (D) Suspension of rules. The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting.
- (E) Quorum. A majority of the Trustees shall constitute a quorum to do business, but no ordinance or resolution creating a liability against the Village shall be passed except upon the favorable vote of a majority of the elected members, as provided by statute.
- (F) Committees. Special committees shall be created from time to time as directed by the Board of Trustees.
- (G) All standing and special committees shall consist of three members each, including the Chairperson, unless the Board shall direct otherwise. All committees shall be appointed by the Village President.
- (H) It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof.

§ 30.09 RULES FOR PARTICIPATION IN MEETINGS VIA ELECTRONIC MEANS.

Members of any public body of the Village, including but not limited to members of the Village Board, may participate in meetings via electronic means, provided no such participation in such meetings shall occur via such means unless in compliance with the following rules:

- (A) Purpose: The purpose of these rules is to prescribe rules for the participation by members of a public body of the Village in meetings of such public body in accordance with the Illinois Open Meetings Act when such meeting is conducted wholly or partially via electronic means. These rules for participation in meetings by members of any public body of the Village via electronic means are intended to be consistent with and supplement the Illinois Open Meetings Act.

- (B) Minutes of Meetings: Minutes of the public body of the Village shall reflect and record whether the members were physically present or present by means of video or audio conference.
- (C) Limitations on Participation in Meetings Via Electronic Means: The following rules shall apply for the participation in any meeting at which any member of a public body of the Village is participating through the use of audio, video, or other electronic conference means:
- (1) If a quorum of the members of the public body of the Village is physically present as required by the Illinois Open Meetings Act, a member of that body may attend the meeting by other means if the member is prevented from physically attending because of: (a) personal illness or disability, (b) employment purposes or the business of the public body, or (c) a family or other emergency. "Other means" or "electronic means", for the purposes of this Section, shall mean attendance by video, audio, or other electronic means.
 - (2) A quorum of members of a public body of the Village must be physically present at the location of an open meeting. A quorum of members of a public body of the Village must also be physically present at the location of a closed meeting. Other members who are not physically present at any open or closed meeting of such a public body may participate in the meeting by other means consistent with the Rules set forth in this Section and the Illinois Open Meetings Act.
 - (3) If a member of a public body of the Village wishes to attend a meeting by other means, the member must notify the Village Clerk or other recording secretary of the public body before the meeting, unless such advance notice is impractical.
 - (4) At the commencement of any such meeting of a public body of the Village, the presiding officer shall announce such method of attendance of those participating by other means to the public and the reason.
 - (5) If the presiding officer of a public body of the Village attends the meeting through the use of other means, he or she shall vacate the chair and a duly elected or appointed temporary chair who is physically present shall preside.
 - (6) When one or more members of a public body attend a meeting of such public body via other means, all votes shall be by roll call.
 - (7) No more than two (2) members of a public body of the Village may attend a meeting through the use of other means at the same remote location.
 - (8) When other means are used to allow a member of a public body to participate in a meeting without being physically present, each time a member using such other means wishes to speak, such member shall endeavor to identify himself or herself by name and be recognized by the presiding officer before speaking.
 - (9) The Village staff or consultants of the Village are authorized to participate in the proceedings of any public body of the Village by other means.
- (D) Member(s) Considered Present: Any member of a public body of the Village shall be considered present wherein the member is present by other means whereby voices are audibly received at the physical location of the quorum of the public body.

- (E) The Village Board hereby authorizes and allows its members to attend a meeting of any Village Board or Village Board committee via electronic means to the extent permitted by and in accordance with these Rules. Other public bodies of the Village may do likewise on a case-by-case basis or as part of the rules of such public body, but such participation by electronic means shall be in compliance with this Section.

§ 30.10 REGULATIONS FOR RECORDING OF PUBLIC MEETINGS

- (A) The following regulations are hereby prescribed to govern the right to make such recordings of Village meetings required to be open pursuant to the Open Meetings Act (5 ILCS 120/2.05, et seq.) (“public meetings”).
- (B) Any person(s) recording such public meetings shall do so: (a) in a quiet, unobtrusive, and respectful manner, and (b) in a manner so as to not disturb and/or disrupt any of the proceedings of such public meeting(s).
- (C) All equipment being used to record such public meetings via tape, film, video, or otherwise, and the persons operating such equipment, shall be located in a manner which will not block the view of others in attendance.
- (D) All such recording equipment and personnel operating such equipment shall be located in such a manner so as not to block any exit or to create a “trip” hazard within the meeting room.
- (E) Any person attending, participating in, and/or speaking at such a public Village meeting should recognize the fact that, pursuant to 5 ILCS 120/2.05, the Village is legally required to allow the recording of such public meetings and those in attendance and cannot prevent and/or control the dissemination, use and/or republication of such recording(s).
- (F) It is the hope of the Village that all public comments offered at any public Village meeting will be fair and accurate and reflect an appreciation for a high degree of civility and mutual respect among residents of the Village and their elected and appointed officials.
- (G) It is the hope of the Village and its Corporate Authorities that any such recordings and/or the dissemination, use and/or republication of such recordings will be done, not in a malicious and/or deceptive manner, or in a manner which may intimidate any reasonable person(s) or discourage them from participating in public discussion and/or debate, but in such a manner which will further open and transparent municipal government and which will foster civility and mutual respect among the residents of the Village and their elected and appointed officials.

§ 30.11 PUBLIC COMMENTS AT PUBLIC MEETINGS

- (A) Limited Public Forum:
 - (1) All public meetings of public bodies of the Village shall be and are hereby declared to be a limited public forum for comments by members of the public as required by the Illinois Open Meetings Act, but any statements made and/or opinions expressed by members of the public in attendance at such public meeting(s) do not reflect the views of the Village or of any officer, employee, or public body of the Village, but rather, represent only the views of the persons

making such statements and/or presenting such opinions who are solely responsible for the content thereof.

- (2) Any member of the public making comments at any public meeting(s) of any public body of the Village shall do so in a manner so as to not disturb and/or disrupt any of the proceedings of such public meeting(s).
- (3) All members of the public in attendance at a public meeting of any public body of the Village shall have an opportunity to be heard during that portion or those portions of the public body's agenda designated for public comment on the agenda for such meeting, or if there is no such item on the agenda, then at the end of the public body's agenda prior to adjournment. Any member of the public offering comments at a public meeting of any public body of the Village shall make such comments during that portion or those portions of the public body's agenda designated for public comment on the agenda for such meeting, or if there is none, then at the end of the public body's agenda prior to adjournment. Any member of the public wishing to offer comments at such a public meeting shall wait to make such comments until recognized by the chair for such purpose, provided, however, the chair of the public body, or the public body by a vote of at least a majority, may move the time designated for public comment(s) on a particular issue to what the chair or public body deems to be a more appropriate or convenient place on the agenda of the public body.

(B) Limitations:

- (1) The chair of the public body, or the public body by a vote of at least a majority of a quorum, may limit public comments to maintain, encourage, and foster civility. The chair may take such actions as are required to maintain an orderly and civil meeting. The chair may declare as out of order patently offensive or obscene comments or gestures.
- (2) The chair may impose reasonable limitations on public comment presented at any public meeting, such as time limits and/or limitations on repetitious, irrelevant or immaterial testimony, which ruling(s) may be overruled by a majority of at least a quorum of the public body. Time limits, if imposed, shall be fair and even-handedly administered. The chair may rule on all questions related to the relevancy of any public comment(s), which ruling(s) may be overruled by a majority of at least a quorum of the public body. The chair may also impose reasonable conditions and/or limitations on public comments, including but not limited to time limitations, after giving due consideration to factors present in particular proceedings, including, but not limited to, the following:
 - (a) The complexity of the issue;
 - (b) Whether the member of the public offering comments possesses special expertise;
 - (c) Whether the public comments are a matter of taste or personal opinion or concern an issue or proposal;
 - (d) The degree to which the person's comments relate to the factors which can be legally considered relative to any particular issue or proposal.
- (3) Any member of the public making comments at a public meeting shall be required to sign in on a list or form provided by the Village and provide his or her name and address and identify in a general way on such list or form the issue(s) on which such person wishes to comment.
- (4) A member of the public may appear and make comments at a public meeting on his or her own behalf or may be represented by an attorney. Any attorney representing any party or objector(s)

at such public meeting shall file a written appearance and include thereon the names, addresses, and telephone numbers of all of his or her clients, and any such attorney shall also be subject to the same rules of conduct as provided by this Village Code.

(C) Recording:

Any member of the public attending, participating in, and/or speaking at such a public Village meeting should recognize the fact that, pursuant to the Illinois Open Meetings Act, the Village is legally required to allow the recording of such public meetings and those in attendance and cannot prevent and/or control the dissemination, use, and/or republication of such recording(s).

(Ord. 1-10-B, passed 7-20-2011)