

**AN ORDINANCE CODIFYING CITY COUNCIL VOTING PROCEDURES
FOR ELECTRONIC ATTENDANCE AND ADOPTING RULES OF PARTICIPATION**

WHEREAS, Public Act 94-1058, amends the Open Meetings Act and provides for electronic participation in lieu of physical presence at a public meeting as defined by the Act, provided that there is a quorum physically present at the meeting; and

WHEREAS, to permit attendance by a means other than physical presence, the City of Urbana must adopt procedures that conform to the requirements and restrictions of the Open Meetings Act, 5 ILCS 120/7, as amended by Public Act 94-1058; and

WHEREAS, the corporate authorities of the City of Urbana believe the public interest is served by allowing council members to attend public meetings other than by physical presence in compliance with the Open Meetings Act; and

WHEREAS, the purpose of this Ordinance is to amend the Urbana City Code to conform with the intent expressed in these recitals by amending Article II, Chapter 2. Administration of the Urbana City Code to include electronic participation within "meetings" as defined in Section 120/1.02 of the Open Meetings Act, and to adopt rules for such participation.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF URBANA as follows:

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

Section 2. **City Code Amendment.** Article II. Elected Officials of Chapter 2. Administration of the Urbana City Code is hereby amended by inserting a new Section 2-31, which shall read as follows:

"Sec. 2-31 Electronic Attendance at Meetings.

(a) A member of the City Council may participate and vote electronically at public meetings, including Council meetings and Committees of the Whole, if the member is unable to physically attend because of: (1) personal illness or disability; (2) employment purposes or business related to the City of Urbana; (3) family or other major emergency. In order for such participation to be valid, the member must provide notice sufficiently in advance of the meeting for the City to be able to provide the technical means necessary to fulfill such a request. The Council may deny a member's electronic attendance request by a 2/3 vote if the request does not meet one of the above criteria. A member may vote on motions and issues coming before the body, but his or her vote shall not count towards a quorum.

(b) For the purpose of this section, electronic participation means participation by telephone, video, or internet connection as provided by rules adopted by the council consistent with the provisions of Public Act 94-1058 amending the Illinois Open Meetings Act, ILCS 120/7. The electronic participation shall not be valid unless it provides means for the member to hear and participate in the discussion preceding any action of the council.

(c) For the purposes of this section, the mayor shall be treated as a member of the council and accorded the same rights of electronic participation."

Section 3. Electronic Participation Rules. The corporate authorities hereby adopt the Electronic Attendance at Meetings Rules attached hereto. The mayor and council retain the right to change or modify these rules at their discretion, provided such changes are in accordance with the Public Act 94-1058, or as hereafter amended. Upon adoption, the attached rules shall become a part of the Urbana City Council Procedures.

Section 4. 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.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its passage and approval and publication according to law.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 20th day of December, 2006.

AYES: Barnes, Bowers, Choroweth, Lewis, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Robert J. Robert
Deputy Clerk

APPROVED by the Mayor this 21st day of December, 2006.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

[Special Council Meeting]