

Chapter 2
CORPORATE AUTHORITIES

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2.01 GOVERNMENT OF VILLAGE *2022-31*

The Village shall be governed by the Corporate Authorities, consisting of a President and six Trustees. The Corporate Authorities shall be elected at large in the consolidated election held in odd-numbered years in April or as otherwise scheduled and held pursuant to law. Unless filling a vacancy, terms of office shall be for four years, and the Corporate Authorities shall so serve until their successors are elected and qualified, as provided by law. For purposes of this Chapter 2, “Board” shall also mean the Corporate Authorities. The Board shall be the legislative department of the Village and shall perform such duties and have such powers as provided by law and by ordinance.

2.02 OFFICE OF PRESIDENT

A. Authority: The President shall perform the duties and exercise the powers conferred upon the President of the Village by the Illinois Municipal Code (65 ILCS) and the Board, and shall perform all duties provided, prescribed and permitted by the laws of the State of Illinois, this Code and any other ordinances of the Village. The President shall also serve as the Local Liquor Commissioner.

B. Presides at Board Meetings: The President shall preside at all regular, special and closed meetings of the Board and all public hearings before the Board, unless unavoidably prevented from doing so.

C. Appointments: The President shall appoint, by and with the advice and consent of the Trustees, all officers of the Village whose election or appointment is not otherwise provided for. Any vacancies occurring in any appointed office shall be filled in the same manner.

D. Committee Appointments: The President shall appoint, by and with the advice and consent of the Trustees, all standing and all special committees of the Village Board and make any necessary changes therein. For appointments of other committees of the Village, see Chapter 7 of this Code.

E. Investigations: The President shall have full power and authority to investigate all matters pertaining to the interest of the Village and the public welfare of its residents; and to make written or oral report and recommendation thereon to the Village Board.

F. Village Property: The President shall exercise general supervision over all Village property.

G. Supervision of Officers: The President shall supervise the conduct of all officers of the Village and shall examine the grounds of all reasonable complaints made against any of them and cause their violation of duty and other offenses, if any, to be promptly sanctioned.

H. Salary and Expenses of the President: The President shall receive an annual salary as determined in Section 2.10 herein and reimbursement of reasonable expenses incurred in the performance of his official duties.

I. Voting: The President shall be required to vote under the following circumstances:

1. Where the vote of the Trustees has resulted in a tie;
2. Where one half of the Trustees elected have voted in favor of an ordinance, resolution or motion even though there is no tie vote;
3. Where a vote greater than a majority of the Corporate Authorities is required by State statute or Village ordinance, with the exception of a vote to override the veto of the President.

J. Acting President: In the event the Office of President is vacated prior to the end of a term said office shall be filled according to the Illinois Municipal Code.

2.03 OFFICE OF TRUSTEE

A. Authority: Each Trustee shall perform the duties and exercise the powers conferred by the Illinois Municipal Code (65 ILCS) and shall perform all duties provided, prescribed and permitted by the laws of the State of Illinois, this Code and the other ordinances of the Village.

B. Compensation and Expenses: Each Trustee shall receive compensation as determined in Section 2.10 herein, and reimbursement of reasonable expenses incurred in the performance of his official duties.

C. Vacancies: A vacancy in the Office of Trustee may be filled by the appointment of a Trustee by the President with the advice and consent of the remaining Trustees.

D. Temporary President: In the absence of the President at a meeting, those Trustees present shall elect one of their members to preside over the meeting. The temporary president shall have only the power of a presiding officer and shall retain the right to vote in his capacity as Trustee on any ordinance, resolution or motion. The position of temporary president shall terminate upon the adjournment of the meeting.

2.04 **OFFICE OF CLERK**, *Amended, 2022-04, 2021-11, 2021-10, 2021-05, 2017-34, 2017-31, 2017-23*

A. Office of Clerk: The Office of Clerk shall be filled by appointment by the President, with the advice and consent of the Trustees. Because the position of Clerk requires special expertise the appointment need not be a resident. However, every effort should be made to appoint a resident who is qualified to carry out the duties of the Office of Clerk.

B. Duties: The Clerk shall:

1. Perform the duties as required by the Illinois Compiled Statutes.
2. With the co-signature of the President, Village Manager, or Treasurer, be authorized to sign Village checks.
3. Seal and attest all ordinances, certifications, resolutions, plats, agreements and contracts of the Village, and all licenses, permits and other documents which require this formality, and maintain custody of the corporate seal of the Village;
4. To file and safely keep in the Village Hall the original of all ordinances and resolutions passed, a record of all ordinances and resolutions, and all related certifications, newspaper publishers' certificates of publication and similar records of public meetings and hearings. The Clerk shall make a memorandum of the date of the passage and of the publication, where required, of the ordinance. This record and memorandum, or a certified copy thereof, shall be evidence of the passage and publication of such ordinance for all purposes.
5. Keep a record of all the officers and regular employees of the Village, and such other records as may be required by the Board;
6. Be the custodian of all documents belonging to the Village which are not assigned to the custody of some other official;

7. Attend all meetings of the Board unless excused and keep full minutes of their proceedings. Within 10 days after each meeting of the Board, the Clerk shall supply to each Board member a typewritten or computer generated copy of the proceedings;
8. All documents necessary to be filed or recorded shall be filed or recorded by the Clerk or designee within 10 days after action by the Board;
9. Keep and maintain a proper index to all documents and records kept by the Clerk so that ready access thereto and use thereof may be had;
10. The Clerk or designee shall assist with bid openings and related activities pertaining thereto;
11. The Clerk shall handle all documents and proceedings pertaining to Village elections and Village referendums;
12. The Clerk or designee shall receive and be custodians of all petitions and similar communications presented to the Board which are not assigned to the custody of some other official;
13. Perform such other duties as may be required by statute or ordinance or assigned by the Board.
14. The Village Clerk is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the Village are to be referred. Such requests are to be made at the offices of the Village Clerk at 2500 Lake Avenue, Lakewood, Illinois, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. In the event that the Village Clerk is not available during the times described above, the Village Manager is designated as the Deputy FOIA Officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the FOIA Officer, or designees, shall receive requests submitted to the Village under the Act, ensure that the Village responds to request in a timely fashion, and issue responses under the Act.

Upon receiving a request for a public record, the FOIA Officer shall:

- A. Note the date the Village receives the written request;
- B. Maintain an electronic or paper copy of a written request; and
- C. Create a file for the retention of the original request, a copy of the response as well as a record of written communications with the requestor.

The FOIA Officer shall successfully complete an electronic training curriculum developed by the Public Access Counselor of the State of Illinois and thereafter successfully complete an annual training program. Whenever a new FOIA Officer is designated by the Village, that person shall successfully complete the electronic training curriculum within 30 days after assuming the position.

Any records which are the subject of a request under the Act shall be retrieved from such place as they are stored, by the FOIA Officer, or by an employee of the Village acting under the direction of the FOIA Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the Village.

If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the FOIA Officer pursuant to Section 6(b) of the Freedom of Information Act. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.

C. Salary: The Clerk shall receive compensation while holding office as determined by the Board, with a review of the Clerk's duties and performance plus adjustment of said compensation as part of the Village's annual budget cycle.

D. Deputy Clerk: The Village Clerk may appoint one Deputy Clerk to assist in the discharge of the functions and duties of the Village Clerk. The Deputy Clerk need not be a resident of the Village. The Deputy Clerk shall be a full-time employee of the Village.

E. Absence: When the Clerk is absent from any regular or special meeting of the Board, the Deputy Clerk, if any, shall act as Clerk for the meeting. In the absence of both the Clerk and Deputy Clerk, the President may direct a person to serve as the recording secretary for the meeting.

F. Vacancies: In case the Office of Clerk shall become vacant for any reason, the successor shall be appointed as provided in Section 2.04-A herein.

2.05 **MEETINGS**, *Amended 2021-31, 2021-10, 2017-34*

A. Meeting Defined: The Open Meetings Act (5 ILCS 120/1.01 *et seq.*) defines a meeting as any gathering of a majority of a quorum of a public body held for the purpose of discussing public business. For the purposes of this Chapter 2, a meeting of the Corporate Authorities shall include regular, special, closed and committee meetings, workshops, and public hearings before the Corporate Authorities.

B. Regular Meetings: All regular meetings of the Board shall be held on the second and fourth Tuesday of each and every month at 7:00 p.m. at the place specified on the agenda for the

meeting. Any regular meeting may be adjourned or continued to such date and time as the Board may direct.

C. Special Meetings: Special meetings of the Board may be called by the President or any three members of the Board, pursuant to the Illinois Compiled Statutes. In addition, special meetings may be called by the Village Manager in consultation with the Board.

D. Duty of Members to Attend: It shall be the duty of each Board member to attend all regular and special meetings of the Board, and all committee meetings of which he is a member. When he is unable to attend any meeting, he shall notify the Village Manager or Clerk.

E. Quorum: Four members of the Corporate Authorities shall constitute a quorum to conduct business.

F. Order of Business: The order of business at regular meetings of the Board shall include, but not be limited to, the following:

1. Call meeting to order with roll call;
2. Pledge of Allegiance to the Flag;
3. Approval of the minutes of the preceding meeting, any special meeting or public hearing, as applicable;
4. Approval of meeting agenda;
5. Identify citizens wanting to be heard on agenda items and issues not on the agenda;
6. Approval of bills;
7. Consideration of ordinances and resolutions;
8. New agenda and miscellaneous items;
9. Old/Unfinished Business;
10. Executive session, if required;
11. Motions following executive session, if called;
12. Adjournment.

G. Open Meetings Act: Notice of all meetings shall be pursuant to the Open Meetings Act (5 ILCS 120/1.01 *et seq.*).

2.06 RULES OF ORDER

A. Order of Business: The President shall decide all questions of order and decorum and in all cases where the rules adopted by the Board are not applicable, the Board shall be governed by Robert's Rules of Order.

B. Resolutions: At the request of the President or any Trustee, any resolution, motion or item of business submitted to the Board shall be reduced to writing before being voted upon.

2.07 DISTURBING MEETINGS

It shall be unlawful for any person or member of the Board to interrupt, interfere with or disturb any meeting of the Board. Any person violating this Section 2.07 shall be subject to a fine as provided for in Section 1.06 of this Code.

2.08 TERM OF OFFICE *Amended, 2006-37*

The inauguration of newly elected officers shall be held after the close of the second regularly-scheduled meeting of the Board in April of election years. If the official election results are not available by that meeting, the inauguration shall be held after the close of the first regular or special meeting following receipt of those results.

2.09 SPECIAL COMMITTEES

Special committees of the Board shall be established from time to time by the Board. Membership in the special committees shall be filled by appointment by the President with the advice and consent of the Trustees. All special committees shall consist of three Trustees, unless otherwise established; the President shall be ex-officio a member of each such committee. Each such committee shall have a chairman appointed by the President. The purpose and duties of each special committee shall be as established by the Board.

2.10 COMPENSATION/SALARIES *Amended, 2020-07, 2008-34*

The salaries, compensation or other fees payable to certain elected Village officers shall be as follows:

1. President: The Village President shall receive the sum of \$2,500.00* per year while holding office, payable in equal monthly installments. Any person appointed to fill a vacancy in the Office of President shall receive the same payment sum as his or her predecessor.
2. Trustees: Trustees shall each receive the sum of \$1,200.00** payable in monthly installments.

*\$4,800.00 (effective 5/1/2021)

**\$2,400.00 (effective 5/1/2021)

2.11 BONDS

Before entering upon the duties of office, all officers shall execute a bond to the Village, as required by the Illinois Municipal Code. The cost of the bond shall be paid by the Village.

2.12 ATTENDANCE AT MEETINGS OTHER THAN BY PHYSICAL PRESENCE *2001-81, Amended 2023-18, 2021-10, 2017-34, 2006-45, 2003-9*

The President or Trustees may attend a meeting without being physically present if the following conditions are met:

1. Rules for Meeting Attendance: In addition to holding meetings pursuant to the Open Meetings Act, 5 ILCS 120/1 *et seq.*, Board meetings shall be subject to the following rules:
 - a. A quorum of the Board shall be physically present at the location of an open or closed meeting.
 - b. Provided a quorum is physically present, a member may be allowed to attend the meeting by audio or video conferencing.
 - c. Any member who wishes to be considered present at a meeting by audio or video conference may make such a request to the Board by notifying the Clerk 48 hours prior to the meeting, unless advance notice is impractical, that the member cannot physically attend the meeting for one of the following reasons:
 - i. Personal illness or disability;
 - ii. Employment purposes or Village business; or
 - iii. A family or other emergency, or
 - iv. Unexpected childcare obligations.
 - d. An affirmative vote by a majority of the Board physically present may allow a member to attend a meeting as provided herein.
 - e. The Clerk shall record in the minutes of every meeting the members physically present, absent and present by audio or video conference.
2. The non-present Board member shall provide a telephone number where he or she can be reached, and must be available when contacted prior to the start of the meeting. The audio or video conference connection of the non-present Board must provide a clear connection, and be in a location with no background noise.
3. The President or temporary presiding officer must announce, prior to roll call, that one or

more Board members are participating by audio or video conference.

4. The non-present Board member(s) must answer the roll call and, at that time, state that he or she is unable to attend in person and is willing and able to participate by audio or video conference.
5. The non-present Board member must be able to hear all comments made by other Board members and from the audience if public comments are expected.
6. All Board members and the public must be able to hear the comments of the non-present Board member(s).
7. The non-present Board member(s) must have been provided, prior to the meeting, a copy of any documents being considered at the meeting, or else such documents shall be read verbatim or otherwise conveyed during the meeting.
8. All votes shall be taken by roll call.
9. The meeting shall comply with the Open Meetings Act.
10. Meeting minutes shall be taken by a person who is physically present at the meeting.

2.13 PUBLIC COMMENT *2014-27*

At each meeting of the Village Board of Trustees, as well as any meeting of any other committee, commission or public body of the Village, members of the public shall have an opportunity to comment to the Board, committee, commission or public body of the Village, as the case may be, at such meeting in accordance with this section.

Members of the public are invited to present comments at each meeting of the Village Board, as well as each committee, commission or public body thereof. The Village requests that any member of the public wishing to comment at such meeting provide one's name at the beginning of the meeting on a list. A maximum of thirty minutes will be provided for all public comment at each meeting. Each member of the public wishing to convey comment will be limited to three minutes so that other members of the public will have an opportunity to comment. Reading a letter that has already been provided to the Board, committee, commission or other public body of the Village, as the case may be, is not allowed. Comments from a member of the public during special meetings must be germane to the topics for such meeting.

Threatening or disruptive behavior by members of the public providing comment at such meeting of the Village Board, committee, commission or other public body of the Village is not permitted. The Village reserves the right to remove individuals when necessary to permit the Board, committee, commission or other public body of the Village, as the case may be, to effectively conduct its respective business at such meeting. Any photograph taken of the Village Board, committee,

commission or other public body of the Village or member thereof shall be done from a distance of at least twelve feet from each of the members of the Board, committee, commission or other public body of the Village as the case may be.

2.14 PROCEDURES FOR RECORDING CLOSED SESSIONS *2023-01*

A. Recording Closed Sessions: The Village of Lakewood shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the Village or any subsidiary "public body" as defined by the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as now or hereinafter amended. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities.

B. Responsibility for Recording Closed Sessions and Maintaining Recordings: The Village Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the Village Clerk or his or her designee, the meeting chair will arrange for the audio or video recording of the closed or executive session of the Village board. Each subsidiary public body of the Village shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the Village Clerk with a copy of such recording. The Village Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the Village and all subsidiary public bodies of the Village.

C. Closed Session Minutes: In addition to the recordings of the closed and executive session meetings as provided in this chapter, the Village will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/1, as now or hereinafter amended.

D. Procedure for Recording: At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

E. Back-Up Equipment/Procedure for Equipment Malfunction: The Village will maintain sufficient tapes, batteries and equipment for the Village to comply with this chapter. The Village Clerk or his or her designee will periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as time as the closed session may proceed with a functioning recording device.

F. Procedure for Review of Closed Session Minutes and Recordings: At one meeting at least every six (6) months, closed session minutes shall be reviewed in closed session and shall not be released unless the Corporate Authorities of the Village find that it is no longer necessary to

protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the Corporate Authorities shall find that the need for confidentiality still exists as to those minutes. Written minutes of closed sessions shall be kept in accordance with the requirements of law. Recordings shall be reviewed as provided in the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*, and consistent with this section of the Village Code.

G. Maintenance and Public Release of Recordings and Access to Tapes: The audio or video tape recordings of closed sessions shall be maintained for 18 months after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the Village Board. Members of the corporate authorities may listen to the closed session recordings in the presence of the Village Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the Village Board.

H. Procedure for Destruction of Recordings: The Village Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

1. The corporate authorities of the Village have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
2. More than 18 months have elapsed since the date of the closed session;
3. There is no court order requiring the preservation of such recording; and
4. The corporate authorities of the Village have not passed a motion requiring the preservation of the verbatim recording of that meeting.
5. There is no reason to preserve the recording due to pending or threatened litigation.