

## Chapter 70

### TRUSTEES, BOARD OF

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| § 70-1. Term of office.                              | § 70-19. Seconding of motions required; written motions; reading of motions, resolutions, ordinances, minutes and correspondence. |
| § 70-2. Vacancies.                                   | § 70-20. Withdrawal of motions.   |
| § 70-3. Judge of own election.                       | § 70-21. Record of motions.   |
| § 70-4. Meetings.                                    | § 70-22. Division of questions.   |
| § 70-5. Standing committees.                         | § 70-23. Taking and entering the votes: explanation of votes.   |
| § 70-6. Quorum absentees.                            | § 70-24. Announcement and changes of votes.   |
| § 70-7. Expenditures limited.                        | § 70-25. Reconsideration.   |
| § 70-8. Minutes and journal.                         | § 70-26. Style of ordinances.   |
| § 70-9. Order of business.                           | § 70-27. Record of ordinances.  |
| § 70-10. Duties of the presiding officer.            | § 70-28. Publication.   |
| § 70-11. Duties of members.                          | § 70-29. Time of taking effect.   |
| § 70-12. Visitors.                                   | § 70-30. Adoption of Roberts "Rules of Order Revised".  |
| § 70-13. Presentation of new business and deferment. | § 70-31. Temporary suspension of rules; amendment of rules.   |
| § 70-14. Debate.                                     |   |
| § 70-15. Call of members to order.                   |   |
| § 70-16. Question of personal privilege.             |   |
| § 70-17. Voting.                                     |   |
| § 70-18. Special order of business.                  |   |

[HISTORY: Derived from Title 1, Ch. 2, Art. 2, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]

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#### § 70-1. Term of office.

The Board of Trustees shall consist of the Village President and six Trustees who shall hold their offices for four years, and the Village President shall hold his office for four years, and until their successors are elected and qualified.

#### § 70-2. Vacancies.

- A. Whenever a vacancy in the office of a trustee occurs during the trustee's term, the vacancy shall be filled for the remainder of the term at the next general municipal election as provided in 65 ILCS 5/3.1-10-50. During the period from the time that the vacancy occurs until a trustee is elected as provided in this section and has qualified, the vacancy may be filled by the appointment of a trustee by the President with the advice and consent of the remaining trustees.

- B. If there is a failure to elect any Village officer, or the person elected falls to qualify, the person filling the office shall continue in office until his successor has been elected and has qualified. (Amended by P.A. 87-494, sub-sec. 1, eff. Sept. 13, 1991, IL code)

**§ 70-3. Judge of own election.**

The Board of Trustees shall be the judge of the election and qualifications of its own members.

**§ 70-4. Meetings.**

- A. Regular meetings. The Board of Trustees shall meet regularly on the first and third Mondays of each month at 6:00 p.m. at the Village Hall in the Village of Port Byron, unless otherwise ordered by the Village Board. If either of such meetings shall fall on a legal holiday date, the Village meeting shall be held the following calendar day. [Amended 3-7-1955 by Ord. No. 55-3; 12-6-1999 by Ord. No. 99-6-12B; 5-7-2001 by Ord. No. 010705; 5-6-2013 by Ord. No. 130605]
- B. Special meetings. The Village President, or any three Trustees, may call special meetings of the Board, which call shall specify the time and place of meeting and shall be filed with the Village Clerk, who shall cause notice of same to be served on the other members of the Board by delivering a copy thereof to each of them, or by leaving the same at his place of residence at least 24 hours before the time of meeting named in said notice. Notice of adjourned meetings shall be given in like manner to each member of the Board not present at the time of adjournment.
- C. Trustees to attend. It shall be the duty of each and every member of the Board to attend each regular and special meeting of the Board duly called, at the hour appointed for convening.

**§ 70-5. Standing committees.**

- A. The Standing Committees of said Board of Trustees shall be as follows:
- (1) Administration.
  - (2) Public safety.
  - (3) Public works.
  - (4) Public finance.
- B. Said Committees shall be appointed annually by the Village President, with the advice and consent of the Board of Trustees.

**§ 70-6. Quorum absentees.**

A majority of the Trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel absentees to attend any regular meeting or special meeting, by a written citation to that effect stating the day and hour of such meeting; such citation shall be signed by the Village President or Trustees issuing the same, and may be served by the Chief of Police or any officer authorized to serve the processes of said Village, by reading the same to such absentees; and upon the repeated refusal to obey such citation, such member of the Board may be expelled and his office declared vacant.

**§ 70-7. Expenditures limited.**

Neither the Board of Trustees, nor any department or officer of the corporation, shall add to the corporation expenses in any one year, anything over and above the amount provided for in the annual appropriation bill of that year, except as herein otherwise specially provided; and no expenditure for any improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill; provided, however, that nothing herein contained shall prevent the Board of Trustees from ordering, by a 2/3 vote, any improvement, the necessity of which is caused by any casualty or accident happening after such appropriation bill shall have been made. The Board may, by a like vote, order the Village President to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as last above mentioned, for a space of time not exceeding the close of the next fiscal year; which sum, and the interest, shall be added to the amount authorized to be raised by the next general tax levy and embraced therein. Should any judgment be obtained against the Village, the Village President, with the sanction of the Board of Trustees, may borrow a sufficient sum to pay the same for a space of time not exceeding the next fiscal year, which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.

**§ 70-8. Minutes and journal.**

- A. The proceedings of all meetings of the Board of Trustees and its committees and subcommittees shall be kept in written form. Minutes shall be kept whether a meeting is open or closed. The minutes shall be recorded and maintained in accordance with the Illinois Open Meetings Act (5 ILCS 120/1 et seq.).
- B. The Chairman, or his or her designee, shall take the minutes of all Standing Committee meetings. The Village Clerk shall take minutes of Board meetings.
- C. The journal. The Clerk shall keep the journal of the proceedings of the Board. Within no more than 15 days after each meeting of the Board, the Clerk shall supply to each member a copy for the proceedings (minutes). The journal shall be approved periodically. The Clerk's draft of the journal of proceedings may be amended to correctly reflect the view of the legislative body as to the events which occurred.

**§ 70-9. Order of business.**

The order of business shall be as follows:

- A. Call to order by presiding officer.
- B. Pledge of allegiance to flag.
- C. Roll call.
- D. Establishment of quorum.
- E. Public discussion and/or comments from the floor.
- F. The reading and approval (with corrections and additions, if any) of the journal of the proceedings of the previous meeting or meetings.
- G. Report of the standing committees:
  - (1) Administration.
  - (2) Public safety.
  - (3) Public works.
  - (4) Public finance.
- H. Report of special committees.
- I. Petitions, communications, order, resolution and ordinance by the Trustees.
- J. Old business.
- K. New business.
- L. Consent calendar or agenda.
- M. Adjournment.

**§ 70-10. Duties of the presiding officer.**

- A. 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. The presiding officer may speak to matters being considered by the Board without relinquishing his or her chair.
- B. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

**§ 70-11. Duties of members.**

- A. While the presiding officer is putting the question, no member shall walk across or out of the Board chamber without first obtaining permission from presiding officer.

- B. Every member, previous to his or her speaking, making a motion or seconding the same, shall address himself or herself to the presiding officer and shall not proceed with his or her remarks until recognized by the Chair. He shall confine himself to the questions under debate avoiding personalities and refraining from impugning the motives of any member's argument or vote.
- C. When two or more members address the Chair at the same time, the presiding officer shall name the member who is first to speak. The Trustees may by 2/3 vote expel a Trustee for disorderly conduct.

**§ 70-12. Visitors.**

Except during the time allotted for public discussion and comment, no person, other than a member of the Board shall address that body, except with the consent of the presiding officer.

**§ 70-13. Presentation of new business and deferment.**

Upon the request of any two trustees present, any report of a committee of the Board shall be deferred (for final action) to the next regular meeting of the Board after the report is made.

**§ 70-14. Debate.**

- A. 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. No member shall speak longer than five minutes at any one time, except by consent of the presiding officer; and in closing debate on any question, as above provided, the speaker shall be limited to three minutes, except by special consent of the presiding officer.
- B. While a member is speaking, no member shall hold any private discussion, nor pass between the Speaker and the Chair.

**§ 70-15. Call of members to order.**

A member, when called to order by the Chair, shall discontinue speaking and take his or her seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right of appeal.

**§ 70-16. Question of personal privilege.**

The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his or her integrity, character or motives are assailed, questioned or impugned.

**§ 70-17. Voting.**

Every member who shall be present when a question is stated from the Chair shall vote, unless excused, or unless he or she is personally interested in the question, in which cases he or she shall not vote.

**§ 70-18. Special order of business.**

Any matter before the Board may be set down as a special order of business at a time certain, if two-thirds of the Trustees present vote in the affirmative, but not otherwise.

**§ 70-19. Seconding of motions required; written motions; reading of motions, resolutions, ordinances, minutes and correspondence.**

No motion shall be put or debated in the Board 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, and every motion in the Board 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 nor 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 Clerk or Village Board President shall be distributed before the meeting to all members of the corporate authorities. Correspondence received by municipal officials need not be read in full at Board meetings unless pertinent to a matter before discussion. Correspondence received may be summarized at Board meetings.

**§ 70-20. Withdrawal of motions.**

If the maker of the motion desires to withdraw the motion they 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 his or her second they 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 or the seconder of a motion may withdraw the motion, except with the consent of a majority of the Board, once discussion on the motion has ceased.

**§ 70-21. Record of motions.**

In all cases where a resolution or motion is entered in the Journal, the name of the member moving and seconding the same shall be entered.

**§ 70-22. Division of questions.**

If any question under consideration contains several distinct propositions, the Board by a majority vote of the members present may divide such question.

**§ 70-23. Taking and entering the votes: explanation of votes.**

The "yeas" and "nays" upon any question shall be taken and entered in the journal. When the Clerk has commenced to call the roll of the Board for the taking of a vote by "yeas" and "nays", all debate on the question before the Board shall be deemed concluded, and during the taking of the vote a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the Clerk by answering "yea" or "nay", as the case may be.

**§ 70-24. Announcement and changes of votes.**

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

**§ 70-25. Reconsideration.**

- A. 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 hearing 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.
- B. A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where 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 is 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 questions to be reconsidered.

**§ 70-26. Style of ordinances.**

The style of all ordinances shall be: "BE IT ORDAINED by President and Board of Trustees of. . .", as is provided by statute.

**§ 70-27. Record of ordinances.**

The Clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.

**§ 70-28. Publication.**

All ordinances imposing any penalty for a violation or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form, in which case, the

ordinance in its pamphlet shall be displayed for a reasonable period in a public place in the Village Hall.

**§ 70-29. Time of taking effect.**

No ordinance which 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 passage, as provided by statute, even though the operation of the ordinance may not take effect until a later date.

**§ 70-30. Adoption of Roberts "Rules of Order Revised".**

The rules of parliamentary practice comprised in the latest published edition of Roberts "Rules of Order Revised" shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Board or the statutes or laws of the State.

**§ 70-31. 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.