



Illinois Heartland Library System

MEMO TO: IHLS Board of Directors
 FROM: Leslie Bednar
 DATE: September 19, 2023
 RE: Meetings Via Electronic Means

Attached, please find a copy of the “Meetings via Electronic Means” Policy that was discussed at the September Policy and Membership Committee Meeting. These were also shared with Members of the Executive Committee for feedback.

If you have not seen this document yet, it does require a key.

The sections in **blue** contain new language suggested by our legal counsel. In #3 the language explains what needs to happen to achieve a quorum before attendance via electronic means can be considered. #12 is a statement dealing with public comment and avenues through which public comment can be made when electronic attendance is part of the meeting.

The sections **highlighted in yellow** exist in the current bylaws and are highlighted for the information of the board.

Finally, the section is **red** (#6) is for the board to determine. This section deals with attendance after a physical quorum has been achieved in public buildings.

The following comments were discussed during the Policy and Membership Committee Meeting:

Comments from Policy and Membership Committee:

Committee: The policy introduction states this applies to committees and the board as a whole. The updated bylaws will make clear that committees are advisory only.

Legal: if your bylaws make clear committees are not making binding recommendations, etc., under 2.01 [5 ILCS120/2.01] the quorum rules don't apply to them.

Follow-Up: References to committees have been taken out of the document.

Committee: Section 6 of the proposed changes includes 4 reasons suggested by counsel for a board member to attend via Zoom. The language was paraphrased from the Illinois Open Meetings Act (5 ILCS 120/1 (a)) -- Employer's business or system business requires absence; Personal illness or disability; Family or other emergencies; Childcare obligations. Member

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comments that specifying reasons for Zoom attendance are not necessary. Additionally, once a quorum is registered for the meeting, the remaining members should be allowed to attend via Zoom.

Legal: Depends on what the majority wants to adopt but making it so permissive does not value the public's right to attend and observe board member interaction.



Meetings via Electronic Means

Whereas, the Illinois Heartland Library System believes it is in the best interest of its members, the System, and patrons that the fullest participation and attendance in all meetings be achieved whenever possible; and

Whereas, the use of electronic conferencing for meeting attendance and voting requirements, at least in some governmental meetings, is permissible so long as the meeting is conducted in accordance with the Open Meetings Act; and

Whereas, the Open Meetings Act has been amended to allow attendance at public body meetings through audio-conference, video-conference, or by any other electronic conferencing without physical attendance; and

Whereas, the Open Meetings Act has been amended to allow library systems with jurisdiction over specific geographic area of more than 4,500 square miles [5 ILCS 120/7(d), such as the parties here, to permit members to attend meetings by other means than physical presence so long as they adopt specific procedural rules therefore; and

Whereas, the Illinois Heartland Library System in all of its regular and special, ~~and committee~~ meetings complies and intends to comply with the provisions of the Open Meetings Act.

NOW, THEREFORE, BE IT RESOLVED, that the Illinois Heartland Library System, having considered the aforesaid matters hereby adopts this policy, to be used when needed, to make use of the capabilities for conferencing by electronic means or any other type of conferencing for its meetings ~~or any of the Illinois Heartland Library System committee meetings~~ as more specifically set out in this Resolution, and to adopt, establish, and set forth these Rules of the Illinois Heartland Library System applicable thereto:

1. All pertinent provisions of the Open Meetings Act must be complied with, including specifically the proper notice of any regular or special meeting, the proper record keeping or minutes of each meeting, the appropriate agenda preparation for each meeting, which in addition shall be posted along with the notice of the meeting; and, in particular, any use of closed sessions shall be in compliance with the provisions of the Act.
2. That sufficient security and identification procedures be employed, either at the outset of any meeting or at any time during the meeting as appropriate, to ensure that any and all members attending for discussion or voting purposes are in fact authorized members with the right to speak and vote.

3. Pursuant to the Open Meetings Act, *“A quorum of members of a public body must be physically present at the location of an open meeting. If, however, an open meeting of a public body that is an Illinois Library system with jurisdiction over a specific geographic area of more than 4,500 square miles...is held simultaneously at one of its offices and one or more other locations in a public building, which may include other of its offices through an interactive video conference and the public body provides public notice and public access as required under this act for all locations, all count toward determining a quorum. “Public Building, as used in this Section, means any building or portion thereof owned or leased by any public body.”* the requirement in 5 ILCS 120/7(a) that a quorum of members of the Board MUST be physically present at the location of the meeting shall NOT apply because 5 ILCS 120/7(d) of the Act specifically exempts library systems of the specified size from such requirements, and authorizes them to permit attendance by other means in accordance with procedural rules such as those contained herein. Specifically, Illinois Heartland Library System members (or, in the case of Illinois Heartland Library System committees, those members) may attend by video and/or audio conferencing or by other electronic means for quorum and voting purposes in accordance with these provisions. All Illinois Heartland Library System members or committee members attending meetings by electronic conferencing shall be entitled to vote as if they were personally and physically present at the meeting site so long as a quorum is, in total, present and accounted for. **Their votes shall be recorded by the Secretary as done by electronic attendance.**

5. A Board member or committee member who attends a meeting by video or audio conference **must provide notice to the executive assistant recording secretary at least 24 hours prior to the meeting unless such advanced noticed is impracticable.**

6. **Beyond those Members necessary to establish a quorum and thus attending in a public building, a member may attend a meeting or committee meeting at a location other than a public building through electronic conferencing if his or her physical presence at the meeting is unable to be obtained or is inconvenient for any reason including, but not limited to reasons such as personal schedule or time conflicts, length of required travel time, the high cost of such travel, or vehicle, fuel or time involved.**

It was suggested by legal counsel that discussion start with the 4 reasons listed in the Open Meeting Act (PA 103-311):

- *Employer’s business or system business requires absence*
- *Personal Illness or disability*
- *Family or other emergencies*
- *Childcare Obligations.*

7. As soon as it becomes apparent to the secretary that a meeting will include electronic conferencing, all subsequent notices of the meeting shall indicate that one or more members will or may be attending by electronic means. In the event that the notice of the meeting has already been disseminated and posted, a follow-up notice indicating the above shall be placed as soon as possible. In the event any news media have filed the annual request for notice of meetings, they shall receive an updated notice in the same manner as given to all members of the Illinois Heartland Library System.

8. The meeting minutes shall include, but need not be limited to; i) the date, time and place of the meeting; ii) the members who were either present or absent from the meeting and whether those members in attendance were physically present or present by audio conference, video conference or by other electronic means; and iii) a summary of discussion on all matters proposed, deliberated, or decided, and iv) a record of any votes taken.

9. The location of the meeting included on the notice shall be equipped with a suitable transmission system (that could include, but not be limited to phone and video conferencing options) in order that the public audience, the members in attendance and any staff in attendance will be able to hear any input, vote or discussion of the conference and that the member attending by electronic means shall have a similar capability of hearing and participating in such input, vote or discussion.

9a. In open sessions, when video conferencing equipment is in use, in the event that video conferencing equipment fails, the substitute deployment of speaker phones at all sites where either board members, staffers and/or public citizens are in attendance will be done and, if done, at all sites where someone is present.

9b. In closed sessions, when video conferencing equipment is in use, in the event that video conferencing equipment fails, the substitute deployment of speaker phones at all sites where either board members and/or invited participants are in attendance will be done. In the event that all board members and invited participants are in one location, the substitute deployment of speaker phones will not be necessary.

10. As the System begins each new matter of business, the chair will check with all remote location(s) with System member(s) present to ensure that each such connection is active and not muted.

11. When a motion is made, and seconded, and discussion regarding the motion begins, the chair will check that the connection with remote location(s) with System member(s) is active and not muted. Prior to closing discussion and taking any vote, the chair will ask all remote location(s) with System member(s) present whether there are any additional comments, questions, or information to be added to the discussion.

12 *In the case of all meetings, either of the Board or any committee, as provided and required by the Open Meetings Act, an opportunity for public comment, as provided for and regulated by the System rules for such comment, shall be included. In the event a meeting will include electronic attendance, the meeting notice or agenda shall include satisfactory avenues (e.g. an email address, a phone number, or a conference attendance address) and instructions for a member of the public to attend the meeting and submit any public comment for the meeting whether by email, phone call, or video/audio conference attendance or if they prefer, they may use, at any time, the public comment email opportunity on the System website.*

13. The rules set out above shall also apply to each committee and each sub-committee meeting which include electronic attendance of members conducted under the System's Meetings via Electronic Means

*Adopted by the IHLS Transition Board March 29, 2011
Adopted by the IHLS Board of Directors July 29, 2011
Amended by the IHLS Board of Directors October 23, 2012*