



Legislation Text

File #: 22-0300, Version: 1

TO: Mayor and City Council

FROM: Law Department

DATE: April 25, 2022

SUBJECT:

Amending City Council rules pertaining to remote participation of members during times of illness or personal or family emergencies.

PURPOSE:

To adjust the City's existing policy with respect to the remote participation of City Council members for meetings of the City Council and its committees.

BACKGROUND:

In 2019, the City Council added Sec. 2-80(b) to the Code of Ordinances to allow members of the City Council to attend meetings by video or audio teleconference in two limited situations: during times of extended illnesses or to tend to a personal or family emergency reasonably expected to last longer than 14 days. The City Council's action followed the Illinois General Assembly's amendment of the Open Meetings Act, which, for the first time permitted public officials to attend public meetings by remote means. This was a significant, but limited, departure from the traditional rule requiring officials to be physically present during meetings. To that end, the City Council took a conservative approach in making this option available to its members and did not permit remote participation to the fullest extent allowed by the Open Meetings Act.

The COVID-19 Pandemic began several months after the City Council adopted these limited rules. During the Pandemic, public bodies like the City Council, gained the ability (first by executive order and later by statutory amendment) to conduct fully remote meetings during times of emergency when it was not practical or prudent to meet in person. Due to the Pandemic, the City Council did not meet in person for more than a year.

As the Pandemic subsided and fully remote meetings became unnecessary, members of the Council have been occasionally required to quarantine due to exposure to COVID-19 or chosen to avoid physical participation in meetings due to more minor, but nevertheless contagious illnesses, in order to protect the health of their colleagues. While their participation under these circumstances has been authorized by a more relaxed interpretation of Sec. 2-80(b) in the exercise of the Mayor's powers during the Pandemic, the language of the Code should be revised to permanently authorize remote attendance in these reasonable circumstances. Similarly, the existing personal or family emergency exception was intended to be limited to significant and ongoing emergencies extending at least fourteen (14) days that would otherwise require a member of the Council to miss multiple consecutive meetings. The proposed revision further provides that a qualifying family or other emergency requires

the ongoing and personal participation of the absent member of the Council.

At its April 19 meeting, the Rules, Administration, and Procedures Committee considered the proposed amendment and recommended its approval by the full City Council. The Committee also recommended a further amendment to reduce the number of days required to trigger the personal and family emergency exception from 14 to 8 in recognition of the number of committee or council meetings that typically occur within a 14-day period in which an alderman would have no opportunity to participate.

DISCUSSION:

The proposed changes reflect the reality of post-Pandemic life while still adhering to the Council's original intention that remote attendance not be used for "one-off" situations, but rather reserved to avoid unavoidable and prolonged absences by its elected officials.

IMPACT STATEMENT:

Adoption of this Ordinance will expressly authorize remote attendance for members of the City Council and its committees in situations where the member has contracted or been exposed to a contagious disease and chooses or is required to quarantine.

RECOMMENDATIONS:

That the Council approve this Ordinance.

cc: Rules, Administration, and Procedures Committee



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance amending Sec. 2-80(b) of the Code of Ordinances pertaining to remote meeting attendance.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Open Meetings Act authorizes public bodies to adopt rules permitting its members to attend meetings by video or audio conference in the manner and to the extent permitted by Section 7 of said Act; and

WHEREAS, on May 28, 2019, pursuant to said authority, the City Council adopted Ordinance O19-032 creating Sec. 2-80(b) of the Code of Ordinances, in recognition of the fact from time-to-time medical and emergency circumstances beyond the control of elected officials may make it impossible to attend meetings in person, and

WHEREAS, the City Council finds that Sec. 2-80(b) represents an appropriate balance between the public's interest in full participation of the City's elected officials in the governance of the City and a need for flexibility in limited situations; and

WHEREAS, in the aftermath of the COVID-19 Pandemic, the City Council finds that it is appropriate to further revise Sec. 2-80(b) to address situations where a member may be required to temporarily avoid in-person contact with others due to an illness;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Sec. 2-80 of the Code of Ordinances shall be and hereby is amended as more fully set forth in Exhibit A.