

**ORDINANCE NO. O-2023-35**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON  
CHAPTER 2 (ADMINISTRATION)**

**WHEREAS**, the City of Wheaton ("City") is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6 of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

**WHEREAS**, the Mayor and City Council and City Staff have carefully evaluated the City Code and believe certain amendments are appropriate in order to be consistent with state law.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Wheaton, Illinois by its home rule authority, that the Wheaton City Code, Chapter 2 "Administration", is hereby amended to provide as follows:

**SECTION 1:** That Chapter 2 (Administration), Article II (City Council), Division 1 (Generally) is hereby amended as follows:

**Sec. 2-42. Electronic attendance participation.**

- (a) *Rules statement.* Any member of the public body may attend any open meetings of the city via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws. Electronic attendance at closed meetings is not permitted.
- (b) *Prerequisites.* A member of the public body may attend a meeting electronically if the member meets the following conditions:
  - (1) The member should notify the clerk or recording secretary in advance unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.
  - (2) The member must assert one of the following four reasons why the member is unable to physically attend the meeting,
    - i. personal illness or disability; or
    - ii. nonroutine employment obligations or official business of the city; or
    - iii. a family or other emergency; or
    - iv. unexpected childcare obligations.
- (c) *Authorization to participate.*
  - (1) The clerk or recording secretary, after receiving the electronic attendance request, shall inform the public body of the request for electronic attendance.

- (2) After establishing that a quorum is physically present at a meeting where a member of the public body desires to attend electronically, the presiding officer shall state that
- i. A notice was received by a member of the public body in accordance with this subsection, and
  - ii. The member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members of public body physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the public body physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the public body and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.
- (d) *Adequate equipment required.* The member participating electronically, and other members of the public body must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the public body shall provide equipment adequate to accomplish this objective at the meeting site.
- (e) *Minutes.* Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.
- (f) *Rights of remote member.*
- (1) A member permitted to attend electronically will be able to express their comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to.
  - (2) The members attending electronically shall preface their comments and their votes by first stating their last name.
  - (3) The member attending electronically shall be considered legally present for any vote taken.
  - (4) A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce their leaving and returning.
  - (5) If a member attending electronically would normally chair the meeting, a mayor or chair pro tempore who is physically present shall be appointed.
- (g) *Committees, boards and commissions.* This subsection shall apply to all committees, boards and commissions established by authority of the city.
- (h) *Disaster declarations.* Nothing in this subsection shall limit the ability of the city council or other covered group to meet electronically, as permitted by 5 ILCS 120/7, of the Illinois Open Meetings Act when the proper disaster declarations and determinations have been made.

( Ord. No. O-2022-23 , § 1, 5-16-2022)

**SECTION 2:** In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

**SECTION 3:** All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

**SECTION 4:** 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:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

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Philip J. Suess  
Mayor

ATTEST:

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Andrea Rosedale  
City Clerk

Roll Call Vote:

Ayes: Councilman Brown  
Mayor Suess  
Councilman Clousing  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker

Nays: None

Absent: None

Motion Carried Unanimously

Passed: September 5, 2023

Published: September 6, 2023

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