
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE I, SECTION 2, RELATING TO
REMOTE ATTENDANCE**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson, and Murray, LLC, City Attorneys
1301 W. 22nd Street – Ste. 500 Oak Brook, Illinois 60523

ORDINANCE NO: _____

Date Passed:

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE I, SECTION 2, RELATING TO
REMOTE ATTENDANCE**

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, on May 27, 2008, the City of Rochelle adopted Ordinance 08-3682, which is codified as Chapter 2, Article I, Section 2 of the Rochelle Municipal Code and relates to remote attendance of City meetings; and

WHEREAS, the Mayor and City Council find that it is in the best interest of the City and its residents to update and amend Section 2, Article I, of Chapter 2 to be consistent with statutory provisions which allows for remote attendance when a member has an unexpected childcare obligation.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Rochelle as follows:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: That Section 2, Article I of Chapter 2 shall be amended by deleting the stricken language and adding the underlined language as follows:

Sec. 2-2. ~~Electronic Rules for remote attendance at meetings~~-rules.

- (a) *Rules statement.* It is the decision of the city that any member of the city council, or any committee, subcommittee, board or commission created by the city council or the mayor (collectively and individually "public body"), may attend any open or closed meeting of the public body 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.

- (b) *Prerequisites.* A member may attend a meeting electronically if the member meets the following conditions:
- (1) The member should notify the city clerk at least 48 hours before the meeting, 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 ~~three~~ reasons why he or she is unable to physically attend the meeting because of :
 - a. ~~The member cannot attend because of p~~Personal illness or disability;
or
 - b. ~~The member cannot attend because of e~~Employment purposes or the business of the city; or
 - c. ~~The member cannot attend because of a~~ A family or other emergency; or
 - d. An unexpected childcare obligation.
- (c) *Authorization to participate.*
- (1) The city clerk, after receiving the electronic attendance request, shall inform the presiding officer of the public body of the request for electronic attendance.
 - (2) After establishing that there is a quorum physically present at a meeting where a member desires to attend electronically, the presiding officer shall state that (i) a notice was received from a member in accordance with these rules, 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 the 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 city 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.* A member permitted to attend electronically will be able to express his or her 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. The member

attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

SECTION THREE: If any provision of this Ordinance application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 8th day of July 2024.

ATTEST:

City Clerk

Mayor

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Huéramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois,
DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____,
“AN ORDINANCE AMENDING CHAPTER 2, ARTICLE I, SECTION 2, RELATING TO
REMOTE ATTENDANCE” which was adopted by the Mayor and City Council of the City of
Rochelle on July 8, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 8th day of July 2024.

CITY CLERK