

**MINUTES  
COMMITTEE-OF-THE-WHOLE  
PRESIDENT AND BOARD OF TRUSTEES  
VILLAGE OF ARLINGTON HEIGHTS  
BOARD ROOM  
MONDAY, OCTOBER 11, 2021 7:00P.M.**

BOARD MEMBERS PRESENT: President Hayes; Trustees: Baldino, Bertucci, Canty, Grasse, LaBedz, Scaletta, and Tinaglia

BOARD MEMBERS ABSENT: Schwingbeck

STAFF MEMBERS PRESENT: Randy Recklaus, Village Manager; Hart Passman, Village Attorney; Kim Peterson, Recording Secretary

**SUBJECTS:**

A. Discussion of Village Board Meeting Procedures

Other Business

Adjournment

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President Hayes called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited.

Mr. Recklaus advised that tonight's discussion about Village Board meeting procedures is a follow-up from the Board's retreat, as well as a means to provide a refresher on Robert's Rules of Order and how things are done in Arlington Heights in terms of parliamentary procedures, particularly for the newer Trustees.

Mr. Passman stated that he would like to provide an overview of some of the common issues that the Board faces and some of the key laws that the Board has to deal with. Mr. Passman explained to the Board that although there are some confines of State law, how they run their meetings is ultimately up to them and Robert's Rules is not law. Mr. Passman advised that he will be covering some Illinois case law and statutes, as well as some of the nuances of Robert's Rules of Order.

Mr. Passman discussed how the Village Board calls a meeting, which also applies to most Village board and commissions, although some of this content may apply only to the Village Board. Mr. Passman advised that there are three kinds of meetings: Regular Meeting, Special Meeting and Emergency Meeting. Regular Meetings are the meetings that the Board establishes as a group by the annual schedule that they approve every year. Special Meetings are called two ways: the Village President can call a special meeting, or under State law, three (3) Trustees can call a special meeting. The code in Arlington Heights states that four (4) Trustees are necessary to call a Special Meeting of the Village Board.

Mr. Passman next discussed the agenda and how every meeting has to have one. The Open Meetings Act has certain requirements for how agendas are set and what the Board can do at a public meeting. Mr. Passman explained how the Board can consider items that are not on the agenda and discuss anything they want. A member of the public can speak during public comments about anything as well, however, the Board cannot take final action on these matters if they are not on the agenda. If something does come up that is not on the agenda, in order for the Board to do something formal about it, the item will need to go on the agenda of a future meeting. This is Illinois law and if the Board does take action on something that is not on the agenda, it is voidable and subject to challenge. Mr. Passman advised that the Village Manager, Village President, or four Trustees, can put items on the agenda for the Board's consideration.

Mr. Passman explained when a roll call vote is needed by State law, which includes any ordinance, any action for liability or expenditures, any appropriations, if it's expressly required by law, or requested by a member of the public body. There is a special rule in Arlington Heights that states that the consent agenda need not be approved by a roll call vote, although Mr. Passman encourages the Board to stick with the State law on this matter, as it ensures that if the Board takes a roll call vote on a consent agenda, no one can challenge it for violating the State law procedure. Mr. Passman discussed the Prosser Rule and how a Board member's decision not to vote means that they have deemed to acquiesce with whatever the majority has voted. There is an exception if the statute or ordinance requires an affirmative vote.

Mr. Passman next discussed public comments and public hearings. The Open Meetings Act has a provision that requires somewhere on the agenda of a public meeting a section called "public comments", whereby members of the public can come and address the Board. President Hayes asked if this is the same provision that requires him to allow non-residents to speak as well. Mr. Passman advised that the provision says nothing about residents versus non-residents, it is for members of the public to come and address the Board, regardless of where they are from. Mr. Passman stated that President Hayes can ask to hear residents first, although anyone who wants to address the Board can. Trustee Tinaglia asked if the Board is allowed to ask a speaker if they live in town, or somewhere else, which Mr. Passman advised the Board can ask them, but cannot condition their participation on providing an answer. Trustee Canty asked if the Board needs to give advance notice in the agenda that they are going to prioritize residents in the public comments section of the agenda. Mr. Passman advised that the Board does not need to give notice as long as everyone who wants to speak during public comments is given the opportunity to speak. Trustee Bertucci asked if the Board can put the address back on the blue cards, or the question, are you an Arlington Heights resident on the blue cards, which Mr. Passman indicated that he believes they can.

Trustee Bertucci asked about the consent agenda and if Mr. Passman stated that the Village law says it can be a voice vote and the State law says it has to be a roll call vote. Mr. Passman indicated the State law that requires roll call votes for

certain items does not distinguish between a consent agenda or otherwise. Mr. Passman advised the Board to stick with the State law on this item and perhaps amend the Village law sometime in the future.

Trustee Bertucci asked about abstain versus recuse. Mr. Passman explained that when you recuse yourself from an item, or if you're absent entirely, you haven't acquiesced anything, as you are not part of the vote. Mr. Passman went on to say that if you recuse yourself, you should not be part of the discussion at all, and in many communities when someone recuses themselves, they leave the room. When you abstain, you can participate in the conversation the entire time and at the end say you are not going to be a part of the vote. President Hayes advised he has never required anyone to leave the room when they recuse themselves. They are just not part of the discussion. Trustee LaBedz asked if "pass" is the correct word to use if you missed a meeting and the minutes are being approved. Mr. Passman advised that it is fine, however, if you choose to abstain or pass on an item for the reason that you were not there, you will be deemed to have acquiesced with whatever the majority voted. Trustee Scaletta stated that if a Board member recuses themselves from item on the consent agenda, it makes sense for them to remain in the room, however, if they are recusing themselves because of a petitioner that is present, they should leave the room, as there could be a conflict of interest or the appearance of impropriety. Mr. Passman stated there is nothing in the law locally that says whether or not a Board member can stay in the room or have to leave.

Trustee Baldino asked if the Board chooses to put a request for a speaker's address back on the blue card, should they indicate that it's optional. Mr. Passman advised that the Board can do this and should never refuse to let anyone speak if they don't answer. Mr. Recklaus advised that some individuals wanting to speak may think that the address itself matters and may perceive that if they are not from what is deemed the more desirable part of town it may make their comment carry less weight than those from the more desirable neighborhoods. President Hayes indicated that he prefers to not have to ask each person as they come up. Trustee LaBedz is concerned if they ask for addresses, the Board could be considering something that affects non-residents, and doesn't want them to feel that their comment carries less weight than those of residents.

Mr. Passman advised that a public hearing is a particular formal proceeding that is required and has heightened due process requirements. Mr. Passman explained how in a regular board meeting, or special meeting, the public only has the right to address the board during the public comment section of the meeting, whether that be at the beginning of the meeting, or end. During a public hearing, the public has the right to address the body on the designated item that's having a hearing.

Trustee Grasse asked if there is a time that the Board should comment on the public's comments. Mr. Passman explained that public comments is meant for members of the public to address the Board. The public is not entitled to a response from the Board, however, the Board can respond if they so wish. Mr. Passman suggested the most efficient approach for the Board is to acknowledge the issue and respond by saying they will get it into the hands of the correct person, whether

it be a Staff member or Board member.

Mr. Passman discussed the meeting minutes and how they are the official record of what happened at a meeting, and are required by the Open Meetings Act. Mr. Passman went on to explain how these minutes are the Board's record and they can decide what they want them to be. The Open Meetings Act requires there be minutes taken and kept for all open and closed meetings and the Board is required to approve these minutes no later than 30 days after the meeting, or the second subsequent regular meeting. Mr. Passman advised that the statute requires the minutes include a summary of what was discussed and the Board can decide how detailed they want the minutes to be. Mr. Passman does not recommend the minutes be a verbatim transcript.

Mr. Passman next discussed Robert's Rules of Order and how they are a great tool, as the goal is efficient decision making and deliberation and for the Board and the public to feel comfortable that the vote that was reached is an accurate reflection of where the Board sits on an item. Robert's Rules helps the Board achieve this goal.

Mr. Passman advised that Robert's Rules has five general types of motions, including the main motion, subsidiary motion, privileged motion, incidental motion and motions that bring a question again before the assembly. The general protocol is that the chairman of meeting cannot make a motion, but can second the motion. Motions have to be seconded in order for them to be considered by the body and if you make a motion, you should refrain from speaking out against it, although you can vote against it. The person who seconds the motion can speak out against it. The main motion brings some form of substantive business before the Board and can include whatever content the Board wants.

Mr. Passman advised that he disagrees with Robert's about when the main motion should be made, as Robert's says you cannot discuss or deliberate the item on the agenda until there is a motion on the floor. Robert's states that you have to discuss whatever is in the motion because if you don't have a motion, you don't know what you're talking about. Mr. Passman advised that he is not worried about this, as he doesn't feel is necessary for effective government and decision making and thinks that sometimes if the motion is made too early, it may inhibit the Board's ability to get to a motion that really reflects what they want.

Mr. Passman advised that a good subsidiary motion to have is moving the previous question, or call the question and close debate. If the Board has a motion on the floor and believes it is time to vote, the previous question can be moved and that motion, if seconded, is not debatable and the Board can go straight to the vote on whether to call the vote. The subsidiary motion is meant to move the process along. Mr. Passman explained that there are other ways to move the process along, which include "tabling" and "postponing." A motion to table is approved by a simple majority vote and is intended to set aside an item temporarily and halts debate. If the motion to table is approved, the item that was tabled cannot come back until a majority of the Board takes it off the table, which can be a good way to get rid of something forever. A motion to postpone is to continue discussion on a matter to some date in the future. This motion is debatable and also passes by a majority

vote and will automatically show up on whatever agenda it what postponed to. Robert's Rules does contemplate a motion to postpone indefinitely and conceives of it as killing a matter.

Mr. Passman next discussed amending a motion, which is simply taking the words of the main motion and changing them a little, and then voting on the changed wording. Robert's Rules states that the movant can request a change to the motion and if there is unanimous consent, then it can be deemed changed. Mr. Passman explained that the complications that sometimes come with amending an original motion is why he thinks it's better to wait to make a motion so the Board has the opportunity to discuss the item and knows what the motion should be.

Trustee LaBedz asked if it's okay if the Board chooses to make motions at the beginning sometimes and then other times later in the discussion, which Mr. Passman advised the Board can decide to do things however they want.

Trustee Scaletta believes there are pros and cons to making motions both ways. Trustee Scaletta is concerned with residents believing that the Board has already made up their minds and not open to listening to them, if the motion is made too early. In addition, Trustee Scaletta worries that when the Board starts amending the original motion, it becomes too confusing and hard to follow. Trustee Scaletta advised that he would like the Board to work together to make a very clear motion, so the residents understand what ultimately happened with the motion. Trustee Canty advised that she thinks the residents believe that the decision has already been made is because in general the agendas have motions laid out, therefore if the motion is made early, especially if the movant does not use what was already prepared, the conversation can be tailored that way. Trustee Scaletta stated that he understands why Robert's Rules wants the motion out there right away, however he believes that it will create more distrust of the Board and Village by doing it early.

Trustee Tinaglia emphasized the fact that Mr. Passman has referred to Robert's Rules as recommendations and that these are opinions to guide the Board, however it is ultimately up to the Board to decide how they want to run their meetings. Trustee Tinaglia believes the public may have the perception that the Board has already made up their minds if the motion comes too soon and they are just wasting their time. Trustee Tinaglia advised that he spends most of his time just listening, whether it be 100 people speaking or just four, and does not want to do things the way Robert's Rule recommends.

Mr. Passman discussed privileged motions, which are not related to business, but are really important and have to be dealt with immediately, including adjournment, recess and question of privilege.

Mr. Passman also discussed incidental motions, which are not considered subsidiary, but they do get to the business of the discussion of the main motion. The most common incidental motions are: point of order, appealing the decision of the chair, suspending the rules, point of information and parliamentary inquiry.

Mr. Passman next discussed changing the vote and explained how a Board member

can change their vote up until the Chair announces the results. If a Trustee wants to change their vote after the results are announced, it can only be done with a unanimous consent of the Board.

Mr. Passman also discussed a motion to reconsider, which can only be made at the same meeting as when the motion was approved. If the motion to reconsider is approved, it is though the first motion never even happened. This is a way for the Board to undo something they did. A motion to rescind can, in theory, be done at any time. The Board can rescind an item that they had voted on at some previous meeting, although sometimes it may be too late.

President Hayes thanked Mr. Passman for his presentation, as it was very helpful and he learned a lot.

Keith Moens, Arlington Heights resident, advised that he learned a lot from Mr. Passman's presentation and expressed his appreciation for covering such an important topic. Mr. Moens asked if a Trustee can submit a new business item to be put on the agenda for the next regular board meeting. Mr. Passman advised that the only person who can do this is the President. Mr. Moens thinks that it is a member's right to move new business. Mr. Moens discussed amending motions and thinks that it is a good idea to get the motion on the floor as soon as possible. Mr. Moen's stated that he thinks Robert's Rules is the law, especially because the Village's municipal code says that the Board should use it.

Melissa Cayer, Arlington Heights resident, asked if public notices, including those for public hearings, are required to be put on the website, as well as being posted and put in the newspaper. Mr. Passman advised that the Open Meetings Act does say that if you have a website, notices should be put on the website, as well as being posted. Ms. Cayer advised that one of the commissions does not put notices on the Village's website. Ms. Cayer asked if when the Police Pension Board Trustees attend a continuing education program, does it have to be public notice. President Hayes stated that it's not a public meeting if their attending educational trainings. In addition, Mr. Recklaus advised that they are not discussing public business. Ms. Cayer asked if there is not a quorum, what business can be done. President Hayes advised that those Board members present can continue to discuss whatever they want, they just cannot take any final action.

Bill Slankard, resident, recommended that Robert's Rules of Order should be followed in order to promote transparency.

Mr. Recklaus advised that there are three different mechanisms to set the agenda, the Village Manager, Village President, or four (4) Trustees, although he is typically the one setting agendas. Mr. Recklaus explained how he will sometimes use the straw poll process to see if there is enough interest by the Board to help him decide if an item should be added to an agenda. Mr. Recklaus advised if four Trustees want to call a meeting or put something on the agenda, this process probably has to happen in an open session. Mr. Passman stated that he agrees with Mr. Recklaus, however he does not want to take away the rights of four Trustees to call a meeting and set an agenda. Mr. Passman suggested the most efficient way to bring up an item is to discuss it at an open meeting and see if there is a consensus to put it on

an agenda of a future meeting. Mr. Recklaus stated that if the Board is going to start using the practice of four Trustees calling a meeting, there needs to be an understanding of what that will look like. Mr. Passman advised it is up to the Board to decide this.

**Other Business**

None

**Adjournment**

Trustee Scaletta moved, seconded by Trustee LaBedz, to adjourn the meeting at 8:45 p.m. Upon a voice vote, the motion passed unanimously.