



Agenda Cover Memorandum

Meeting Date: April 22, 2013

Item Title: Amendment to Article 15, Chapter 7, Regarding Appearance Commission Votes

Action Requested:

Approval

For discussion

Feedback requested

For your information

Staff Contact: Jim Testin, CP&D Director

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Background:

Attached is a proposed ordinance amending the Appearance Commission's voting requirement. This change identifies that three affirmative votes, rather than a majority present, is required for Commission action. This change has been identified by the City Attorney to be consistent with the Open Meetings Act. The pertinent language of the Open Meetings Act is as follows:

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

For the Appearance Commission 3 members constitute a quorum.

At the March 25, 2013 Committee of the Whole meeting, a question was raised on whether item E under 15-7-4 was valid or may need to be removed. The City Attorney has reviewed the issue and the section should be deleted from 15-7-4. In February 2012, the Council approved amendments to Article 15, Chapter 7 to remove the use of ex officio members and added language to the 3P Manual in the section entitled "Committees, Commissions and Boards" to clarify that the liaison to the Appearance Commission does not vote. The language concerning ex officio members was previously removed from 15-7-3, Appearance Commission, but section 15-7-4 was not updated at the time.

Recommendation:

Move approval of the revised Section 15-7-4, Meetings, and place on the May 6, 2013 City Council agenda for first reading.

Budget Implications:

Does Action Require an Expenditure of Funds: Yes No

Agenda Cover Memorandum (Cont.)

If Yes, Total Cost:

If Yes, is this a Budgeted Item:

Yes No Requires Budget Transfer

If Budgeted, Budget Code (Fund, Dept, Object)

Attachments:

- Draft Ordinance

**ORDINANCE
OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE
AMENDING ARTICLE 15, CHAPTER 7, SECTION 4 OF THE PARK RIDGE MUNICIPAL
CODE**

SECTION 1: BE IT ORDAINED, by the City Council of the City of Park Ridge that Article 15, entitled "Building Regulations," Chapter 7 entitled, "Appearance Code," Section 4, entitled "Meetings," of the Municipal Code of the City of Park Ridge shall be amended to read in its entirety as follows:

15-7-4 MEETINGS

A. The Commission shall meet monthly unless there is no business to conduct or a meeting shall be held at the call of the Chairman and at such other times as the Commission shall determine. Three (3) members of the Commission shall constitute a quorum. Three affirmative votes ~~A majority decision of members present at a duly constituted meeting~~ shall be required for all Commission actions.

B. The Commission may adopt its own rules of procedure, not inconsistent with this ordinance.

C. All meetings of the Commission shall be open to the public. It shall be the duty of the Commission to arrange for and require conformance with all applicable provisions of the Illinois Open Meetings Act (5 ILCS 120/1).

D. The Commission shall keep minutes of its proceedings and other official action.

~~E. An ex-officio member of the Commission may vote as a member of the Commission on any matter coming before it if, because of the absence of any regular member, that vote is needed to break a tie or create majority vote. If more than one ex-officio member is called upon to vote, the principal liaison member shall vote before any alternate. The fact that an alderman has voted with the Commission as an ex-officio member shall not disqualify that alderman from voting as an alderman on the same matter if it comes before the City Council.~~

SECTION 2: BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

SECTION 3: BE IT FURTHER ORDAINED that the City Clerk is hereby authorized and directed to publish said Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this ____ day of ____, A.D. 2013.

VOTE: AYES:

 NAYS:

 ABSENT:

Approved by me this ____ day
of _____ A.D. 2013

Mayor

Attest:

City Clerk