



# Village of Hanover Park Administration

**Municipal Building**  
2121 West Lake Street, Hanover Park, IL 60133  
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hpil.org

**Village President**  
Rodney S. Craig

**Village Clerk**  
Eira L. Corral Sepúlveda

**Trustees**  
Liza Gutierrez  
James Kemper  
Herb Porter  
Bob Prigge  
Rick Roberts  
Sharmin Shahjahan

**Village Manager**  
Juliana A. Maller

## VILLAGE OF HANOVER PARK

### VILLAGE BOARD SPECIAL WORKSHOP MEETING VIRTUAL MEETING

**Municipal Building: 2121 Lake Street  
Hanover Park, IL 60133**

**Thursday, June 18, 2020  
6:00 p.m.**

### MINUTES

#### 1. CALL TO ORDER – ROLL CALL

Village President Craig called the meeting to order at 6:05 p.m.

Roll Call:

PRESENT: Village Trustees: Porter, Shahjahan, Prigge, Roberts, Gutierrez

ABSENT: Village Trustee(s): Kemper

Quorum established.

ALSO PRESENT: Village Attorney Paul, Village Manager Juliana Maller and Department Heads

ABSENT:

Attorney Paul provided statement outlining requirements regarding a new State law; Public Act No.: 1010640, effective on June 12, 2020, regarding conducting an audio or video meeting without the physical presence of a quorum.

#### 2. ACCEPTANCE OF AGENDA

Motion by Village Trustee Roberts and seconded by Village Trustee Prigge to accept the agenda.

Roll Call:

AYES: Porter, Shahjahan, Prigge, Roberts, Gutierrez

NAYS: None

ABSENT: Kemper

ABSTENTION: None

Motion carried.

#### 3. DISCUSSION ITEMS

a. Meeting and Events Hosted by Elected Officials

Village Manager Maller requested clarity from the board on meetings and events hosted by Elected Officials on Village Business.

She explained that the Village Board rules note that two Village Trustees may have a discussion outside of a regular or special Board meeting, but in order to have a meeting of the Village Board there has to be a request for a public meeting by three Village Trustees or the Village President and an agenda would have to be posted 48 hours prior to allow for participation. Questions were raised regarding participation and she requested clarity because it seemed, to her, that the lines were blurred on events being Village events, if, the event is being held by one or two Village Trustees.

Village Manager Maller requested that Attorney Paul review the Board Rules and the Open Meetings Act.

Attorney Paul spoke to the requirement of a notice, agenda and four members to be present for there to be a Village Board meeting. He noted that at issue is when less than a quorum is present there is no meeting of the official Village Board. However, there could be a committee, such as the Finance Committee, whereas two members of the Village Board are present but that they not considered to be acting as the Village Board and does not constitute quorum.

Questions fielded and answered.

Village Manager Maller noted that the advice given is that absent a quorum and a request to meet that no more than two members participate in discussion pertaining to Village matters in a meeting. However, while members cannot participate, they can listen.

Village Manager Maller expressed that she was seeking clarification on posting regarding meetings via Village communication resources, expenditures, staff participation, and use of Village facilities. She noted that normally these would not be made available for a meeting that is not considered to be a Village meeting. She asked for direction from the Board as to how they would like to proceed moving forward.

Village Trustee Porter inquired on the source of the direction that these resources not be provided for meetings other than Village Board meetings.

Village Manager Maller noted that the budget is only for expenditures that are for Village business and while staff supports Village business in various formats, it gets difficult for staff to make judgement calls on what topics are worth having a discussion versus determining what is inappropriate to be supported by the Village.

Village Trustee Porter requested clarification on the provision cited by Village Manager Maller indicating that it is admissible for two Village Trustees to hold a meeting and the definition of a meeting/event. He asked that if it was already provided in our rules that Village Trustees were permitted to hold a meeting than was it assumed that the Village Trustees could access Village resources or inquired if it was written that two Village Trustees having such a meeting could not have access to Village resources. He noted that he did not favor adding new rules to govern and place limitations on Village Trustees.

Village Manager Maller noted that it was written that two Village Trustees could meet.

Attorney Paul clarified that there was no rule regarding two Village Trustees meeting. He noted that the rule is the Open Meetings Act which provides that a majority of a quorum of the Village Board cannot meet without there being a Village Board Meeting.

Attorney Paul further noted that a Village Trustee has the right to voice their opinions on any matters and therefore two Village Trustees could do the same. The issue would then become a matter of the 1<sup>st</sup> Amendment. If two Village Trustees decide that they want to make statements or hold a public hearing they can do it. If the Village supports it, the Village is then allowing for this point of view to be supported by the Village. Even though it constitutes less than a majority of the board.

Attorney Paul specified that if this is allowed, then one or two other Village Trustees wanting to have another

meeting would also have the same right to do so even if the content is not appropriate. He further noted that there is a concern that this action could cause a disruption and he recommended that there be a formal process or to simply not rely on the Village to fund or provide funding when the Village Board has not sanctioned the meeting or event. A Village Trustee should be able to meet with their constituents, at issue is if the Village should provide the forum. If the Village does not provide the forum, then there will be no control on the message. He noted that the Village Manager is asking the opinion of the Board on how the meeting or event will be funded and whether staff will be able to attend the meeting or event when there is less than a majority of a quorum requesting it.

Attorney Paul noted that our rules are clear on the definition of a meeting, a majority of quorum, and a quorum.

Village Trustee Shahjahan noted her concern that the memo provided by administration was an attempt to redefine a public meeting and the process for Village Trustees to meet with constituents.

Attorney Paul clarified that two Village Trustees can have a meeting but that their meeting is not considered as a meeting of the public body.

Village Manager Maller noted that the question was not whether it is allowed, but rather the format in use, participation and support by the Village in having staff participate, promote, or the use of Village resources. Village Manager Maller noted that she does not want to be put in the position of determining as to whether a meeting is appropriate or not. She proposes that meetings go directly to the Board so that they can be approved by the Board.

Village Trustee Shahjahan noted that Village Trustees are provided with a budget and that they could use dollars to support events, so long as they were within budget.

Village Manager Maller noted that a \$2,000 budget is provided for Village Trustees to attend trainings or to attend an event. Trustee events would have to be within the parameters of being a Village sanctioned event and/or apply to the role of Village Trustee. She noted the budget could not be used for personal or political purposes.

Trustee Shahjahan noted that if these guidelines were already outlined in the Open Meetings Act and/or the Rules of Order that she is not in favor with further rules of the same nature. She expressed her concern in the burden of having to require that the Clerk post a meeting notice and agenda within 48 hours and to also be present every time a Village Trustee or two Village Trustees want to meet with residents.

Trustee Porter noted his concern in setting a precedent, noting that it may, should there be a divided board, enable the possibility of thwarting, at any time, a Village Trustee wanted to have a meeting. The meeting could be thwarted by someone on the Board simply not showing up to make quorum. He further noted that, if, there is already a rule in place that he would follow said rule as it pertained to the use of an outside Zoom platform for an event, such as, the usage of the NAACP Zoom account for a recent event on policing issues in the community. He noted his concern in the calculation of compensation from a member of the administration in permitting their participation. Village Manager Maller noted that was not her intent.

Village Attorney noted that two Village Trustees can have a meeting and the Village Board's only say would be to fund the meeting. However, the Village Board cannot stop a meeting of a Village Trustee or two Village Trustees from taking place.

Village Maller requested clarity on what gets promoted via Village resources.

Attorney Paul noted that it is common for municipalities to provide refreshments for elected officials to meet with residents, for example, in communities with aldermanic wards but, that there may be a problem in the future if the Village cannot provide equal access.

Village Trustee Porter enquired as to a "Coffee with a Village Trustee" event would require approval and authority of the full Board and if that same meeting would need to be posted. Village Manger Maller noted that in her previous experience such events as these were addressed as part of the budget and thus would

provide funding which would specifically be allocated for Village Trustees to hold such events. This would of course depend on budgeted parameters approved by the Board. While the meeting was not required to be posted the practice was to post the meeting to provide notice of the meeting to the public.

Village Clerk Corral Sepúlveda noted that the memo confused the issue and indicated that the discussion was not a matter of the Open Meetings Act or the current Rules of Order, as both very clearly outlined what constitutes a legal and illegal meeting of the public body. She noted that a legal meeting of the public body requires a quorum, along with a notice and an agenda that are to be published within 48 hours prior to the meeting taking place. Furthermore, the Rules of Order indicate that a meeting can be called by three Village Trustees and/or the Village president.

Village Clerk Corral Sepúlveda noted that this discussion regarding the Village Manager's request for clarity is specifically about one or two elected officials being able to have a meeting of any sorts and found it problematic that there may be restrictions. Village Clerk Corral Sepúlveda cited examples, such as, the Village President meeting with other Village Presidents or legislators, a townhall meeting using the Village Zoom and promoted by the Village with the Cook County assessor earlier that same timeframe, and another recent meeting in which residents from a specific neighborhood in Hanover Park attended a meeting by the Village President, Village Trustee Gutierrez and the Public Works Director. She noted that several meetings had taken place using Village resources with multiple elected officials at the local, county, state and federal level and that all of these meetings would essentially be prohibited from happening unless the entire board voted on approving them.

Village Manager Maller spoke to the specific instances being referenced; such as the neighborhood meeting attended by the Village President and Trustee Gutierrez. She noted that it was attended by residents who were concerned about flooding and staff had to be present to identify, address and/or resolve the issue. She also noted that staff invited the Cook County Assessor for a townhall meeting to address businesses and speak to them about tax and assessment issues.

Village Manager Maller noted that what's at issue with the recent meeting to discuss policing issues in our community, as well as the planned upcoming meeting, was that the Village President and other Village Trustees wanted to participate but could not because the meeting was not posted with a notice and agenda. Therefore, participation of the rest of the Board could not take place because it would violate the Open Meetings Act. Her concern was that if there is a plan to hold another meeting and, if, this meeting was to take place, could it be as a Village Board meeting where all could participate or would it be a meeting of only two Village Trustees having a conversation outside of the Village? She noted that the Village Zoom was not used and that minutes were not taken and further enquired about as to the considered format of the upcoming meeting.

Village Clerk Corral Sepúlveda asked for clarification on the issue of the recent townhall meeting led by Trustee Porter and Trustee Shahjahan regarding policing issues in our community.

Village Manager Maller explained that it was about the format for meetings for one or two trustees. And noted that as staff she was looking for direction now how these meetings should be handled.

Trustee Gutierrez noted that she respected all opinions being put forth but that she was confused by the memo because it seemed that a new rule was being introduced and that the rule would be redundant since the same rule is already addressed in the Open Meetings Act.

Trustee Gutierrez noted that elected officials hold meetings as community liaisons. That they gather information on how to best serve residents. She inquired as to whether Trustee Porter and Trustee Shahjahan would be allowed to continue to hold the upcoming meeting/meetings on policing issues in our community using the same format.

Village Manager Maller deferred the question from Trustee Gutierrez to the Board. Attorney Paul interjected and noted that Village Trustees can hold meetings and events. Village Manager Maller acknowledged that they can but requested feedback from the Board regarding the event by Trustee Porter and Trustee Shahjahan. She noted that if the meeting was about a broader Village issue it should therefore engage the Village Board as a whole.

Trustee Shahjahan noted that the format was meant to allow for public engagement to learn from their feedback instead of engaging in the participation of eight municipal elected officials. She noted that there were many examples of Village promoted events by the Village President. She spoke to her confusion as to why the issue is about her and Trustee Porter hosting a meeting that others may not agree with.

Village President Craig refuted that they did not support the event and spoke to his concern on being able to legally participate under the Open Meetings Act. He also noted that he favored sanctioning events by the Village Board.

Village Manager Maller noted that she was not concerned about content, but rather the rules on holding the meeting. She asked, should everything put forward by one or two elected officials get posted, funded, and have staff participate. She requested a narrow set of guidelines can be used.

Trustee Shahjahan noted that guidelines are already in place.

Village Manager Maller noted that she felt like she was being pulled in different directions depending on what the topic is and who is requesting the meeting or event.

Clerk Corral Sepúlveda noted that this has been at issue before but that concerns were inconsistent. She expressed her concern on having events policed for respectability prior to taking place and being posted.

Clerk Corral Sepúlveda noted that if there are to be added guidelines that they should be applied with consistency to all elected officials. She pointed out that it would be unfair to require only the Village elected officials adhere to these new rules. She also noted that Trustee Shahjahan had attempted to bring the discussion, regarding community policing, to a meeting of the public body several times, but that her requests were not approved.

Clerk Corral Sepúlveda noted that, per the Rules of Order, any three Trustees, the Village President or the Village Manager could have put forward a meeting to discuss the issue of community policing, but they chose not to do so. Village President Craig noted that everyone supported the event. Trustee Shahjahan noted that she did, in fact, attempt to bring the discussion to the Public Board Meeting, but that she was denied. She emphasized that she is not in favor adding more rules.

Village President Craig noted his concern that one or two trustees would not be reimbursed, if, others on the Board did not agree with the use of public dollars for an event. He favored having things sanctioned by the Board thus requiring that future Trustee meetings or events be brought for Board approval.

Trustee Porter noted that this had not appear to be an issue for other events, but that there have been issues with the Know Your Rights Event and the Women's Suffrage Event. He expressed his concern noting that there may be some other agenda to prevent Elected Officials from moving in certain directions. He noted that he spoke to other trustees and that they had no objections. He noted that the selected format was not intended to violate the OMA Act.

Trustee Kemper spoke to the time constraints in having the whole board approve a meeting.

Trustee Gutierrez inquired if the public could speak in meetings of the public body. Attorney Paul affirmed that public participation is a requirement of public body meetings.

Trustee Porter noted that a debriefing had been previously planned with the entire Board and expressed his concern about writing more rules and setting a precedent.

Village Manager Maller noted that a workshop was scheduled on June 25, 2020 for a debrief on the previous discussion held by Trustee Shahjahan and Trustee Porter on the issue of community policing. Village President Craig supported further discussion at the debrief.

Trustee Shahjahan inquired as to why the agenda for this workshop meeting prioritized the discussion of rules on meetings instead of conducting a debriefing on the townhall event regarding community policing.

Village Manager Maller noted that the request for a debrief came too late. Discussion regarding the submittal of Trustee Shahjahan's request ensued.

Kemper suggested that events can be scheduled with debriefs to follow.

Village Manager Maller asked if the date and format of a two-trustee event, versus a Village Board meeting event, had been established for the next townhall on community policing, she noted that this two-trustee event will be hosted by Trustee Shahjahan and Trustee Porter.

Trustee Shahjahan noted that the tentative date was July 15, 2020. Discussion regarding time needed to plan logistics for the next meeting ensued. Trustee Porter confirmed that he and Trustee Shahjahan would discuss and decide on a format and that the format would be determined prior to the June 25, 2020 Board Workshop meeting. He noted that they would prefer to use the Village Board mediums but if that was not possible that the NAACP has offered to host if necessary.

Village President Craig inquired on the time of the June 25, 2020 Board Workshop meeting for the debriefing and continued discussion regarding the sanctioning of events held by one or two trustees. Village Manager Maller noted the June 25, 2020 Board Workshop would be held at 6:00 pm.

## **ADJOURNMENT**

Motion by Village Trustee Roberts and seconded by Village Trustee Shahjahan to adjourn.

Roll Call:

AYES: Kemper, Porter, Shahjahan, Prigge, Roberts, Gutierrez  
NAYS: None  
ABSENT: None  
ABSTENTION: None

Motion carried.

Meeting adjourned at 7:15 p.m.

Recorded and Transcribed by: Eira L. Corral Sepúlveda, Village Clerk  
Minutes approved by President and Board of Village Trustees on this August 6, 2020.