

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

## CITY COUNCIL MEETING MONDAY, FEBRUARY 2, 2015 - 7:00 P.M. 475 MAIN STREET, WEST CHICAGO, ILLINOIS

### AGENDA

1. **Call to Order**
2. **Pledge of Allegiance to the Flag**
3. **Invocation**
4. **Roll Call and Establishment of a Quorum**
5. **Public Participation**
6. **City Council Meeting Minutes of January 19, 2015**
7. **Corporate Disbursement Report  
- February 2, 2015 (\$638,439.73 )**
8. **Consent Agenda – Consideration of an Omnibus Vote:**
  - **Public Affairs Committee:**
    - (A) **Resolution No. 15-R-0001** – A Resolution Authorizing the Mayor to Execute a Letter of Agreement with RedSpeed Illinois for a Traffic Law Enforcement System.
    - (B) **Ordinance No. 15-O-0001** – Amendment to the City Code Regarding the Licensing of Precious Metals Dealers.
    - (C) **Approve the Use of City Streets at the DuPage Business Center for bike trials on a regular basis: Wednesday evening from April 1 through September 16, 2015 for the ABD Cycling Club Bicycle Training Criteria.**
    - (D) **Approve the Stations of the Cross Procession Sponsored by St. Andrew Lutheran Church on April 3, 2015.**
  - **Items Not Sent to Committee**
    - (E) **Ordinance No. 15-O-0003** – An Ordinance Amending the City Code of the City of West Chicago – Chapter 3 – Insurance and State License Requirements and Increasing the Number of Class A-3 and F Liquor Licenses.

**(F) Resolution No. 15-R-0004 – A Resolution Adopting the City Council's Rules Pertaining to Public Comment.**

**(G) Concur with the Mayor's Appointment of Uwe Gsedl to the Cultural Arts Commission for a Term Expiring in April 2019.**

**9. Reports by Committees**

**10. Unfinished Business**

**11. New Business**

**12. Correspondence and Announcements**

<b>February 3, 2015</b>	<b>Plan Commission/Zoning Board of Appeals (cancelled)</b>
<b>February 5, 2015</b>	<b>Infrastructure Committee</b>
<b>February 5, 2015</b>	<b>Cultural Arts Commission</b>
<b>February 9, 2015</b>	<b>Development Committee</b>

**13. Mayor's Comments**

**14. Executive Session**

- A. Land Acquisition – 5 ILCS 120/2 (C) (5) (6)**
- B. Litigation – 5 ILCS 120/2 (C) (11)**
- C. Personnel Matters – 5 ILCS 120/2 (C) (1)**
- D. Review of Official Record – 5 ILCS 120/2 (C) (21)**

**15. Items to be Referred for Final Action from Executive Session.**

**16. Adjournment**

CITY OF WEST CHICAGO – 475 Main Street  
CITY COUNCIL MINUTES  
Regular Meeting  
January 19, 2015

1. **Call to Order.** Mayor Ruben Pineda called the meeting to order at 7:00 pm.
2. **Pledge of Allegiance to the Flag.** Alderman Jim Smith led all in the pledge of allegiance.
3. **Invocation.** The City Clerk gave the invocation.
4. **Roll Call and Establishment of a Quorum.**

Roll Call found Aldermen James E. Beifuss, Jr., Donald F. Earley, James Smith, Laura Grodoski, Alton Hallett, Sandy Dimas, Melissa Birch, John C. Smith, Kurt Meissner, Mark Edwalds, Rebecca Stout, John F. Banas, and Matt Fuesting present. Alderman Lori J. Chassee was absent. The Mayor announced a quorum.

City Clerk Nancy M. Smith was also present.

Also in attendance were City Attorney Mary E. Dickson, City Administrator Michael L. Guttman, Community Development Director John D. Said, and Administrative Services Director Linda Martin.

5. **Public Participation.** The following person spoke during Public Participation:

1) Becky Hall, 212 Fulton Street, West Chicago, provided a brief outline of the Sister Cities International programs and goals. She introduced herself as the new President of the West Chicago Sister Cities Organization, and invited anyone who wished, to participate in a cultural exchange with our sister city, Taufkirchen (Vils), Germany in June. Visitors will stay in German homes and learn German customs. The next meeting of the West Chicago Sister Cities group is on February 5, 2015, at the Fox Community Center at 7:00 pm. All are invited to attend. Mayor Pineda congratulated Ms. Hall on being the new President, and said he will be going to Germany in June along with Len Mahony and his son-in-law. The Mayor said he will give his speech in German. He is looking forward to the trip.

6. **City Council Meeting Minutes – January 5, 2015.** Alderman Banas made a motion, seconded by Alderman Edwalds, to approve the minutes of January 5, 2015, with no changes. Voting Aye: Aldermen Beifuss, James Smith, Grodoski, Hallett, Dimas, Birch, John Smith, Meissner, Edwalds, Stout, Banas, and Fuesting. Voting Nay: 0. Alderman Earley passed. Motion carried.

7. **Corporate Disbursement Report.** Alderman John Smith made a motion, seconded by Alderman Dimas, to approve the January 19, 2015, Corporate Disbursement Report in the amount of \$ 1,452,758.08. Voting Aye: Aldermen Beifuss, Earley, James Smith, Grodoski, Hallett, Dimas, Birch, John Smith, Meissner, Edwalds, Stout, Banas, and Fuesting. Voting Nay: 0. Motion carried.

8. **Consent Agenda – Consideration of an Omnibus Vote.**

\* **Development Committee:** Alderman Stout read and explained the following items:

A. **Ordinance 15-O-0002** – An Ordinance Granting a Special Use Permit for an Automobile Repair Facility – 1965 Powis Road

B. **Resolution 15-R-0002** – A Resolution Approving the Sonni Nguyen Shell Plat of Re-subdivision

Alderman Stout made a motion, seconded by Alderman Beifuss, to adopt the above items. Voting Aye: Aldermen Beifuss, Earley, James Smith, Grodoski, Hallett, Dimas, Birch, John Smith, Meissner, Edwalds, Stout, Banas, and Fuesting. Voting Nay: 0. Motion carried.

\* **Items Not Sent to Committee:** Mayor Pineda read and explained the following item:

C. **Resolution 15-R-0003** – A Resolution Authorizing the Mayor to Execute a Grant Agreement with the State of Illinois Department of Commerce and Economic Opportunity for the West Washington Street Environmental Cleanup Project

Alderman Dimas made a motion, seconded by Alderman Birch, to adopt the above item. Voting Aye: Aldermen Beifuss, Earley, James Smith, Grodoski, Hallett, Dimas, Birch, John Smith, Meissner, Edwalds, Stout, Banas, and Fuesting. Voting Nay: 0. Motion carried.

**9. Reports by Committees. None**

**10. Unfinished Business. None**

**11. New Business. None**

**12. Correspondence and Announcements.**

**Upcoming Meetings**

- |                    |                               |
|--------------------|-------------------------------|
| - January 22, 2015 | Finance Committee (cancelled) |
| - January 26, 2015 | Public Affairs Committee      |

The City Clerk announced that this Saturday, January 24, 2015, from 5:00 pm to 8:00 pm, there will be a chili cook-off at the VFW. The cost is lower than last year. It is now \$7.00 per adult, \$3.00 for 11 years old and younger, and free for those under 3 years of age. Judges will be Mayor Pineda, Aldermen Stout and Hallett, and Gary Saake, District 94 School Board President.

Alderman Birch announced the resumption of the Soup and Bread meals on the 4<sup>th</sup> Thursday of the month: January 22, February 26, March 26, and April 23, 2015, from 6:00 to 8:00 pm, at American Legion Post 300, 123 Main Street, West Chicago. There is no cost for the meal, but donations will go to the Neighborhood Food Pantry of West Chicago. The Mayor said this is a very wonderful event. It is free, but the donations from the last few times resulted in \$500.00 donations to the Food Pantry. He made soup one year; anyone can do it. The Mayor said to direct questions to Alderman Birch.

**13. Mayor's Comments.** The Mayor had several items to discuss.

1) The WeGo Wildcats Special Olympics Club will host the Fourth Annual Kwasman Classic will be held on Saturday, February 24, 2015, in Bishop Gym at Community High School, starting at 6:30 pm. The West Chicago Fire Department and Police Departments will be playing each other. Members of the Special Olympics will get to play with the Fire Department. Mayor Kwasman started this event a number of years ago. The Mayor said the City is very honored to have Special Olympics here in West Chicago. This is their one fundraiser in the year.

2) Coffee with the Mayor will be held on January 31, 2015, from 9:00 am to noon. All are welcome to come out to complain or give accolades.

3) Community Forum for Healthy West Chicago will be held on January 29, 2015, 7:00 pm at the West Chicago Park District's ARC. Forums were held with faith communities, students, and businesses. This last one will be open to the public.

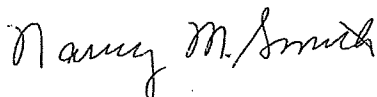
4) Bowling for Diabetes, Bowling Green in West Chicago, February 27, 2015, 7:00 pm and 9:15 pm. Cost is \$30.00 and it covers unlimited bowling, shoe rental, and food. Proceeds benefit the Juvenile Diabetes Research Fund (JDRF). The Mayor said he works with the Zellmer Childhood Disease Foundation in Geneva. They were able to send West Chicagoan Nathan Schmidt to a clinical trial studying bionic pancreases in Boston last year.

**14. Executive Session.** At 7:15 pm, Alderman Beifuss made a motion, seconded by Alderman Dimas, to adjourn into executive session to discuss personnel matters [5 ILCS 120/2(c)(1)] and review of Official Record [5 ILCS 120/2(c)(21)]. Motion was carried by voice vote. Minutes for the executive session are filed separately.

**15. Items to be Referred for Final Action from Executive Session.** Not applicable.

**16. Adjournment.** See above.

Respectfully submitted,



Nancy M. Smith  
City Clerk

## CITY OF WEST CHICAGO

### PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE: Resolution No. 15-R-0001

A Resolution Approving the Renewal of the Agreement Between Redspeed Illinois, LLC and the City of West Chicago for a Traffic Law Enforcement System.

AGENDA ITEM NUMBER: 8A

FILE NUMBER: \_\_\_\_\_

COMMITTEE AGENDA DATE: January 26, 2015

COUNCIL AGENDA DATE: February 2, 2015

**STAFF REVIEW:**

Michael Uplegger, Acting Chief of Police

SIGNATURE \_\_\_\_\_

**APPROVED BY CITY ADMINISTRATOR:**

Michael Guttman

SIGNATURE \_\_\_\_\_

**ITEM SUMMARY:**

Staff is requesting to renew the Agreement between Redspeed Illinois, LLC and the City of West Chicago for a Traffic Law Enforcement System for a total of (6) six years commencing from the date the Letter of Agreement is executed.

Please see attached Letter of Agreement for more information.

**ACTIONS PROPOSED:**

Staff recommends sending Resolution No. 15-R-0001 to the City Council for approval.

**COMMITTEE RECOMMENDATION:**

The Public Affairs unanimously recommends approval of Resolution No. 15-R-0001.

## CITY OF WEST CHICAGO

### PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:** Ordinance No. 15-O-0001 Amendment to the City Code Regarding the Licensing of Precious Metals Dealers

**AGENDA NO.** 8B

**FILE NO.** \_\_\_\_\_

**AGENDA DATE:** January 26, 2015

**COUNCIL AGENDA DATE:** February 2, 2015

**STAFF REVIEW:** Michael Uplegger, Acting Chief of Police

**SIGNATURE** \_\_\_\_\_

**APPROVED BY CITY ADMINISTRATOR** Michael Guttman

**SIGNATURE** \_\_\_\_\_

#### ITEM SUMMARY:

In 2012, the City Council adopted an Ordinance requiring pawnbrokers and precious metals dealers (e.g. cash-for-gold establishments) to become licensed. Periodically, the City Council has adjusted the number of licenses to reflect the number of precious metals dealers operating within the City. While there were three precious metals dealers businesses at the time the Ordinance was last amended, since that time one has changed ownership and chosen not to be a precious metals dealer.

Since there are currently two precious metals dealers operating within our corporate limits, staff recommends amending Chapter 9, Article IV, Section 9-67 (Number of Licenses; fees) by reducing the number of available precious metals dealers' licenses to two. The two remaining precious metals dealers are: Flash Enterprises and Gloria's Jewelry.

#### ACTIONS PROPOSED:

Staff recommends adoption of Ordinance No. 15-O-0001.

#### COMMITTEE RECOMMENDATION:

The Public Affairs unanimously recommends approval of Ordinance No. 15-O-0001.

## CITY OF WEST CHICAGO

### PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE: ABD Cycling Club Bicycle Training Criteriums

AGENDA ITEM NUMBER: 8C

FILE NUMBER: \_\_\_\_\_

COMMITTEE AGENDA DATE: January 26, 2015

COUNCIL AGENDA DATE: February 2, 2015

STAFF REVIEW: Krista Coltrin

SIGNATURE Krista Coltrin

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE \_\_\_\_\_

#### ITEM SUMMARY:

In preparation for ABD Cycle Club's upcoming Fall Fling races, the Club is requesting permission for the use of City streets at the DuPage Business Center loop for approximately 50 competitors who would like to conduct training criteriums (practice races) every Wednesday evening from April 1 – September 16, 2015. Set-up would be at 5:30 p.m. with teardown completed by 8:30 p.m.

The Club will secure permission from Pella Windows for use of their parking lot and provide the City with a letter stating such permission.

No request for services is being made. A certificate of insurance from ABD Cycle Club will be secured prior to the start date.

Note: ABD Cycle Club has been informed of potential construction projects within the DuPage Business Center that could potentially impact their training schedule. Further discussions with the Club will ensue should either of the proposed projects be secured.

#### ACTIONS PROPOSED:

Recommend for approval pending permission from Pella Windows:

- The use of City streets at the DuPage Business Center for bike trials on a regular basis: Wednesday evenings from April 1 – September 16, 2015 for times indicated.

#### COMMITTEE RECOMMENDATION:

The Committee recommends approval of the ABD Cycling Club's Training Criteriums as proposed, pending satisfaction of liability issues.

## CITY OF WEST CHICAGO

### Public Affairs Committee AGENDA ITEM SUMMARY

**ITEM TITLE:** St. Andrew Lutheran Church Stations of the Cross

**AGENDA ITEM NUMBER:** 8D

**FILE NUMBER:** \_\_\_\_\_

**COMMITTEE AGENDA DATE:** January 26, 2015

**COUNCIL AGENDA DATE:** February 2, 2015

**STAFF REVIEW:** Krista Coltrin

**SIGNATURE** Krista Coltrin

**APPROVED BY CITY ADMINISTRATOR:**

**SIGNATURE** \_\_\_\_\_

**ITEM SUMMARY:**

St. Andrew Lutheran Church is organizing a Stations of the Cross procession to be held from 12:00 p.m. to approximately 1:00 p.m. on Good Friday, April 3, 2015. Members of the Church will gather at the corner of Easton Avenue and Main Street and travel east on Main Street to Prince Crossing and then north to the Church, crossing Geneva Road (see attached map). They are anticipating approximately 150 participants.

A certificate of insurance will be provided by St. Andrew Lutheran Church prior to the event.

**ACTIONS PROPOSED:**

Recommend for approval pending satisfaction of insurance requirements:

- 1) The route and times of the procession
- 2) Use of City right-of-way including street and sidewalks
- 3) Provide City staff support from Police Department

**COMMITTEE RECOMMENDATION:**

The Committee recommends approval of the St. Andrew Lutheran Church Living Stations of the Cross as proposed, pending satisfaction of liability issues.



## CITY OF WEST CHICAGO

### LIQUOR CONTROL COMMISSION AGENDA ITEM SUMMARY

**ITEM TITLE:**

Ordinance No. 15-O-0003 – Clarifying Insurance and State Liquor License Requirements and Increasing the Number of Class A-3 and F Licenses

**AGENDA ITEM NUMBER:**8E**FILE NUMBER:****COMMITTEE AGENDA DATE:** N/A**COUNCIL AGENDA DATE:** February 2, 2015**STAFF REVIEW:****SIGNATURE** \_\_\_\_\_**APPROVED BY CITY ADMINISTRATOR:****SIGNATURE** \_\_\_\_\_**ITEM SUMMARY:**

The attached Ordinance adds specific provisions that liquor liability insurance and a State of Illinois Liquor License are required during the license year and that the holders of liquor licenses are required to provide the City copies of each.

Additionally, the Ordinance would increase the number of Class F Club Licenses for the Punishers Motorcycle Club who now have its clubhouse where Club 38 used to be. The additional Class A-3 Liquor License is for a restaurant which is planning to open where Privilege Café used to be. All background checks were successfully completed for both licensees.

**ACTIONS PROPOSED:**

Consideration of Ordinance No. 15-O-0003.

**COMMITTEE RECOMMENDATION:**

The Liquor Control Commission unanimously recommended approval of the provisions in Ordinance No. 15-O-0003.

ORDINANCE NO. 15-O-0003

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF  
WEST CHICAGO – CHAPTER 3 – INSURANCE AND STATE  
LICENSE REQUIREMENTS AND INCREASING THE NUMBER  
OF CLASS A-3 AND F LIQUOR LICENSES

BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

Section 1. That Section 3.21 of the Code of Ordinances of the City of West Chicago is hereby amended to add new subsections (e) and (f) as follows:

“(e) Any holder of a liquor license shall at all times maintain a valid State of Illinois Liquor License, a copy of which must be provided to the city.

(f) Any holder of a liquor license shall maintain valid liquor liability (dramshop) insurance that indicates that the City of West Chicago, its officials, agents, employees and volunteers are additionally insured; a certificate of insurance that meets these requirements must be provided to the city.”

Section 2. That Section 3.12 of the Code of Ordinances of the City of West Chicago is hereby amended to increase the number of Class A-3 licenses from three (3) to four (4) and to increase the number of Class F licenses from two (2) to three (3).

Section 3. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. That 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 this 2<sup>nd</sup> day of February 2015.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Smith	_____	Alderman D. Earley	_____
Alderman A. Hallett	_____	Alderman L. Grodoski	_____
Alderman M. Birch	_____	Alderman S. Dimas	_____
Alderman K. Meissner	_____	Alderman J.C. Smith, Jr.	_____
Alderman R. Stout	_____	Alderman M. Edwalds	_____
Alderman M. Fuesting	_____	Alderman J.F. Banas	_____

APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED this 2<sup>nd</sup> day of February 2015.

\_\_\_\_\_  
Mayor Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk Nancy M. Smith

PUBLISHED: \_\_\_\_\_

## CITY OF WEST CHICAGO

### CITY COUNCIL AGENDA ITEM SUMMARY

**ITEM TITLE:**

Resolution No. 15-R-0004 – Adopting the City Council's Rules Pertaining to Public Comment

**AGENDA ITEM NUMBER:**8F**FILE NUMBER:****COMMITTEE AGENDA DATE:** N/A**COUNCIL AGENDA DATE:** February 2, 2015**STAFF REVIEW:****SIGNATURE** \_\_\_\_\_**APPROVED BY CITY ADMINISTRATOR:****SIGNATURE** \_\_\_\_\_**ITEM SUMMARY:**

Last September, the Attorney General's Office issued a binding Public Access Opinion (attached) that states that public bodies need to adopt rules governing public comment at legislative meetings. In question in that Opinion was the Village of Lemont's practice to require speakers to provide their address; as a result of the Attorney General's decision in that case, legislative bodies may request, but not require, that a speaker's address be provided in order to speak at a public meeting.

Attached is a set of rules pertaining to public comment that was created by the City Attorney and which is based upon how the West Chicago City Council has handled the public comment portion of the agenda over the last decade plus.

**ACTIONS PROPOSED:**

Consideration of Resolution No. 15-R-0004.

**COMMITTEE RECOMMENDATION:**

This item did not go to Committee because, like when the City Council adopted its own Operating Rules, the subject does not fit within the scope of jurisdiction of any of the Standing Committees.

**RESOLUTION NO. 15-R-0004**

**A RESOLUTION ADOPTING THE CITY COUNCIL'S  
RULES PERTAINING TO PUBLIC COMMENT**

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled, that a set of rules pertaining to public comment at City Council meetings, which are attached hereto and incorporated herein as Exhibit "A", is hereby adopted.

ADOPTED this 2<sup>nd</sup> day of February 2015.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Mayor Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk Nancy M. Smith

**CITY OF WEST CHICAGO CITY COUNCIL**  
**RULES PERTAINING TO PUBLIC COMMENT**

Meetings of the City Council are legislative sessions for the corporate authorities, held for the specific purpose of conducting the business of the City.

Pursuant to the Illinois Open Meetings Act, members of the public are welcome to speak at meetings of the City Council for the purpose of addressing the City Council with concerns of comments regarding issues of City Business. City Business means those matters for which the City Council has jurisdiction or authority to act. The Rules below have been adopted to provide an efficient forum for the public to comment on City Business.

When addressing the City Council, in public comment, the following Rules shall apply:

1. Speakers are to address the Council from the podium, clearly stating the speaker's name, and, by option of the speaker, the speaker's address, before commenting.
2. Each person desiring to speak shall be allowed a single period of comment, which may be limited to three (3) minutes per speaker, if such time limit is deemed needed to allow all members of the public an opportunity to speak.
3. A maximum of thirty (30) minutes of public comment will be accepted at each meeting; however, the Council may extend the comment period, at its discretion.
4. All public comment shall be addressed to the City Council as a whole. No comments may be addressed to individual members of the City Council, the City Administrator, the City Attorney, City Staff, or other members of the public.
5. There shall be no debate on any issue raised during public comment. Cross-examination of speakers shall not be allowed. Matters raised under public comment may be referred by the City Administrator to City Staff for review.
6. Should a speaker wish to, he or she may tender documents for purposes of adding to comment made orally. Such documents must be tendered to the City Administrator and shall become part of the record of the meeting at which comment was made.
7. All members of the public addressing the City Council shall, at all times, maintain proper decorum, which includes:
  - a. No person shall speak until recognized for such purpose by the Mayor.
  - b. All persons wishing to address the City Council shall do so from the podium. Statements shall not be made from the audience.
  - c. All comments shall be courteous and respectful to the City Council and other members of the audience.
  - d. Statements made shall not impugn motives, be contentious, slanderous or boisterous.
  - e. No obscene or insulting statements shall be allowed.
  - f. Threats or personal attacks on any member of the City Council, Staff or public are prohibited.

8. Any person ruled out of order by the Mayor shall immediately stop speaking and shall abide by the Mayor's direction. Should comment in violation of these rules persist, the speaker may be removed from the room by the Mayor, or his designee.



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

**Lisa Madigan**  
ATTORNEY GENERAL

September 4, 2014

**PUBLIC ACCESS OPINION 14-009  
(Request for Review 2014 PAC 29739)**

**OPEN MEETINGS ACT:  
Information Required of  
Speakers Wishing to  
Provide Public Comment**

Ms. Janet Hughes  
1283 Abbey Oaks Drive  
Lemont, Illinois 60439

The Honorable Brian K. Reaves  
Mayor, Village of Lemont  
418 Main Street  
Lemont, Illinois 60439

**RE: OMA Request for Review – 2014 PAC 29739**

Dear Ms. Hughes and Mayor Reaves:

This is a binding opinion issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2012)). For the following reasons, this office concludes that the Lemont Village Board (Board) violated OMA during the public comment portion of its April 14, 2014, regular meeting by requiring Ms. Janet Hughes to state her home address in order to address the Board.

**BACKGROUND**

On June 6, 2014, Ms. Hughes submitted a Request for Review alleging that the Board, acting through Mayor Brian Reaves and Village Attorney Jeff Stein, "pressured" and "forced" her to state her home address for the record prior to being permitted to provide public



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The Honorable Brian K. Reaves  
September 4, 2014  
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comment during the Board's April 14, 2014, meeting.<sup>1</sup> In support of her allegation, Ms. Hughes appended an affidavit in which a witness stated, "[d]uring the public Board meeting, I witnessed Mayor Brian Reaves and Village Attorney Jeff Stein force Janet Hughes to state her home address for the record in order for her to participate during public comments."<sup>2</sup> The Public Access Bureau interpreted this Request for Review as an allegation that the Board violated section 2.06(g) of OMA (5 ILCS 120/2.06(g) (West 2012)), which provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body[.]" by predicating Ms. Hughes' right to address the Board on the public disclosure of her home address.

On June 13, 2014, the Public Access Bureau sent a copy of Ms. Hughes' Request for Review to the Mayor and asked for a written response to the allegations, a copy of the Board's rules governing public comment, and the agenda and minutes of the April 14, 2014, Board meeting. In addition, if the Board had adopted a rule requiring an individual wishing to make a public comment at a Board meeting to publicly state his or her home address, the Public Access Bureau requested that the Board explain its rationale for such a rule. In the absence of such a rule, then the Public Access Bureau asked for an explanation for requiring Ms. Hughes to provide her home address at the April 14, 2014, meeting.<sup>3</sup>

Counsel for the Village, Mr. Andrew S. Paine, responded in a letter dated June 30, 2014. Mr. Paine furnished copies of the agenda and minutes from the April 14, 2014, meeting and a copy of the Village ordinance governing public comment at Board meetings. Mr. Paine explained that the Board "has a long standing custom and practice of asking any member of the public wishing to address the Board to provide his or her address."<sup>4</sup> Mr. Paine also asserted that although Ms. Hughes initially declined the Mayor's request to state her home address for the record at the April 14, 2014, meeting, Ms. Hughes "provided her address by her own volition and not as a requirement to speak before the Board" and was "afforded the opportunity to address the

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<sup>1</sup>E-mail from Janet Hughes to Sarah Pratt, Public Access Counselor, Office of the Attorney General (June 6, 2014).

<sup>2</sup>Affidavit of Victor R. Fisher, ¶ 5 (June 5, 2014).

<sup>3</sup>Letter from Timothy O'Brien, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Mayor Brian K. Reaves, Village of Lemont (June 13, 2014).

<sup>4</sup>Letter from Andrew S. Paine, Tressler LLP, to Timothy O'Brien, Assistant Attorney General, Public Access Bureau (June 30, 2014), at 2.

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Mayor and the Board, an opportunity to which she took full advantage."<sup>5</sup> Mr. Paine further stated that Ms. Hughes "ha[d] followed [the rules and customs] in the past without objection."<sup>6</sup>

On July 9, 2014, this office forwarded the Village's response to Ms. Hughes.<sup>7</sup> On July 22, 2014, Ms. Hughes replied via e-mail and provided a video recording of the relevant portion of the April 14, 2014, meeting as an attachment in mp4 format. Ms. Hughes stated that Village Ordinance O-84-10 does not require a participant to provide a home address in order to publicly address the Board. Ms. Hughes also asserted that "customs and practices" do not constitute "rules" within the meaning of section 2.06(g) of OMA. Finally, Ms. Hughes reiterated that a person's home address is private information, and claimed that she does not recall publicly stating her address at prior public meetings.<sup>8</sup> The Board's attorney was copied on Ms. Hughes' response.

### ANALYSIS

This office has reviewed the video recording of the exchange among Ms. Hughes, Mayor Reaves, and Mr. Stein during the April 14, 2014, Board meeting. The video shows Mayor Reaves introducing the "audience participation" period by asking anyone who wished to participate to approach the podium and state his or her name and address for the record. Mayor Reaves also reminded the attendees to limit their comments to three minutes and to confine their comments to new areas.

Ms. Hughes approached the podium, stated her name, and said that she was a taxpayer from Lemont. At that point, Mayor Reaves stated, "I need your address, too[.]"<sup>9</sup> Ms. Hughes provided the name of her street and the nearest intersection to her home, and then began her comments. The Mayor again stated that he needed her full address. Ms. Hughes attempted to continue her comments without providing her address, but Mayor Reaves said "I have been

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<sup>5</sup>Letter from Andrew S. Paine, Tressler LLP, to Timothy O'Brien, Assistant Attorney General, Public Access Bureau (June 30, 2014), at 2.

<sup>6</sup>Letter from Andrew S. Paine, Tressler LLP, to Timothy O'Brien, Assistant Attorney General, Public Access Bureau (June 30, 2014), at 2.

<sup>7</sup>Letter from Timothy O'Brien, Assistant Attorney General, Public Access Bureau to Janet Hughes (July 9, 2014).

<sup>8</sup>Letter from Janet Hughes to Timothy O'Brien, Assistant Attorney General, Public Access [Counselor], Office of the Illinois Attorney General (July 22, 2014).

<sup>9</sup>Video Recording: Village of Lemont Village Board, Regular Meeting, April 14, 2014 (on file with the Public Access Bureau).

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instructed by counsel that I need the exact address for public record for public conversations."<sup>10</sup> Ms. Hughes responded that she was "not comfortable" providing her complete address.<sup>11</sup> Mayor Reeves then publicly sought the counsel of Mr. Stein. The audio portion of the off-camera remarks of Mr. Stein is not entirely clear. However, Mr. Stein can be heard stating that a person's refusal to provide an address would not bar an individual from providing comment, but that it is "helpful."<sup>12</sup> Mr. Stein also noted that if Ms. Hughes did not wish to provide her address, the Board should allow her to speak and "take it for what it is."<sup>13</sup> Following this exchange, Ms. Hughes stated her home address and continued addressing the Board.

Prior to January 1, 2011, the OMA did not guarantee members of the public the right to address public bodies. Instead, any right to do so was derived from statutes governing specific governmental entities or policies adopted by them. Section 2.06(g) of OMA, which was added by Public Act 96-1473, effective January 1, 2011, now requires that all public bodies subject to the Act provide an opportunity for members of the public to address public officials at open meetings.

The right to address a public body is not without limits, however. To the contrary, section 2.06(g) expressly provides that public comment is subject to the "rules established and recorded by the public body." Although OMA does not specifically address the types of rules that a public body may adopt, public bodies may generally promulgate reasonable "time, place and manner" regulations which are necessary to further a significant governmental interest. *See, e.g., I.A. Rana Enterprises, Inc. v. City of Aurora*, 630 F. Supp. 2d 912, 922 (N.D. Ill. 2009) (examining whether the application of city council's rules for public comment violated plaintiffs' rights). "City Councils have legitimate reasons for having rules to maintain decorum at public meetings[ ]" and "to assure that the meetings can be efficiently conducted." *Timmon v. Wood*, 633 F. Supp. 2d 453, 465 (W.D. Mich. 2008). For example, a public body may prescribe time limits for public comment. *See Wright v. Anthony*, 733 F.2d 575, 577 (8th Cir. 1984) (finding that a time limit for speakers at a public hearing served a significant governmental interest in conserving time and in ensuring that others had an opportunity to speak, thus did not violate the speaker's first amendment rights).

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<sup>10</sup>Video Recording: Village of Lemont Village Board, Regular Meeting, April 14, 2014 (on file with the Public Access Bureau).

<sup>11</sup>Video Recording: Village of Lemont Village Board, Regular Meeting, April 14, 2014 (on file with the Public Access Bureau).

<sup>12</sup>Video Recording: Village of Lemont Village Board, Regular Meeting, April 14, 2014 (on file with the Public Access Bureau).

<sup>13</sup>Video Recording: Village of Lemont Village Board, Regular Meeting, April 14, 2014 (on file with the Public Access Bureau).

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The Village's ordinance governing public comment provides:

Persons who wish to address the Board on any matter may request recognition prior to the meeting, or during Audience Participation, or if the matter relates to a specific agenda item, during the discussion of that item. The President will attempt to accommodate such requests to the extent practicable by directing that such requests shall be heard during Audience Participation or during debate on a specific agenda item. The President may in his discretion set a time limit for each person's address, taking into account the number of persons wishing to be heard on a matter and the amount of village business requiring attention. The President or a majority of the Trustees present may extend the limitation of time or grant additional time to individual speakers and the President's denial of or limitation on any request may be overruled by a majority of the Trustees present. Provided, any failure to adhere to the provisions of this section, and any such restriction or limitation upon any speaker, shall not impair or affect any ordinance, resolution, motion or other action of the Board.<sup>14</sup>

The ordinance does not require that a member of the public state his or her home address before speaking at public meetings of the Board. In response to this office's inquiry, the Board confirmed that it has not promulgated such a rule.<sup>15</sup> Rather, the Board referred to requiring members of the public to provide their home addresses before speaking at public meetings as a "custom and practice."<sup>16</sup>

The plain language of section 2.06(g) of OMA provides that individuals are entitled to address a public body subject only to a public body's established and recorded rules. Section 2.06(g) does not recognize conditions on speaking arising out of "custom and practice," unless those conditions are incorporated into the public body's rules. Here, the Board's established and recorded rules governing public comment do not include a requirement that an individual publicly state his or her home address before speaking at public meetings. At the

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<sup>14</sup>Village of Lemont, Illinois, Municipal Code ch. 2, § 2.08.060 (2011).

<sup>15</sup>Letter from Andrew S. Paine, Tressler LLP, to Timothy O'Brien, Assistant Attorney General, Public Access Bureau (June 30, 2014), at 2.

<sup>16</sup>Letter from Andrew S. Paine, Tressler LLP, to Timothy O'Brien, Assistant Attorney General, Public Access Bureau (June 30, 2014), at 2.

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April 14, 2014, meeting, however, the Mayor stated that those individuals wishing to speak should approach the podium and give their names and addresses. Further, the video recording shows that the Mayor specifically requested that Ms. Hughes state her address and repeated that request when she attempted to begin her public comments without first providing her address. The Mayor then asked the Village Attorney how to proceed, and he indicated that the Board should allow Ms. Hughes to speak without providing her address. After the Attorney's comments, however, Ms. Hughes went ahead and stated her address, then provided her comments.

While it is not clear that the Board would have continued to request her address after the Village Attorney responded to the Mayor's request for guidance, it does appear that the requests for her address had the effect of making Ms. Hughes feel that she needed to state her complete home address before she could provide public comments. Further, in its response to this office the Board described asking for home addresses of speakers as a "longstanding custom and practice" of the Village, "along with countless other public bodies."<sup>17</sup> Even if the Mayor had allowed Ms. Hughes to address the Board without providing her complete home address in this instance, this scenario raises an important issue – whether requiring, either by "custom and practice" or by rule, that individuals provide home addresses before addressing a public body is consistent with OMA. Because it appears that many public bodies have such a requirement, clarification of the law in this area is warranted.

The Board notes that requiring individuals to state their addresses for the record prior to providing public comment allows for more accurate meeting minutes, permits the Board to determine whether the comments are raised by residents, and enables the Board to follow up on issues raised by members of the public. While the rules governing public comment under section 2.06(g) of OMA may assist in accurate recordkeeping, their primary purpose is to accommodate a speaker's statutory right to address the public body while ensuring that order and decorum are maintained at public meetings. *See Rana Enterprises, Inc.*, 630 F. Supp. 2d at 923-25. It is understandable that a public body would seek to make sure it is keeping accurate minutes, hearing from residents and other interested parties, and responding effectively to concerns raised at public meetings. Overall, in considering whether it is good policy to ask members of the public to provide their addresses when making public comments, there are reasonable arguments on both sides. Nothing prohibits a speaker from voluntarily providing his or her home address in response to the public body's request. However, the language of section 2.06(g) does not support a requirement that a person must provide his or her complete home

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<sup>17</sup>Letter from Andrew S. Paine, Tressler LLP, to Timothy O'Brien, Assistant Attorney General, Public Access Bureau (June 30, 2014), at 2.

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address prior to being allowed to make a public comment. Section 2.06(g) specifically provides that "[a]ny person shall be permitted an opportunity to address public officials[.]" (emphasis added) therefore a person's right to comment at an open meeting is not contingent upon where he or she resides. In this case, the Board violated section 2.06(g) of OMA by placing a condition on the making of a public comment that is not part of its established and recorded rules. But, even if the Board had established and recorded a rule requiring speakers to provide their home addresses prior to speaking, we would conclude that such a rule would impermissibly exceed the scope of the rulemaking contemplated by section 2.06(g). Requiring a member of the public to provide his or her complete home address prior to speaking may have a chilling effect on individuals who wish to speak at public meetings. Therefore, we conclude that requiring speakers to state their home addresses prior to addressing public bodies violates section 2.06(g) of OMA, even if such a rule is established and recorded by the public body.<sup>18</sup>

### FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the arguments of the parties, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On April 14, 2014, Ms. Janet Hughes attended an open meeting of the Lemont Village Board.

2) On June 6, 2014, Ms. Hughes submitted a Request for Review to the Public Access Counselor alleging that Village of Lemont officials "pressured" her to state her home address for the record prior to being permitted to provide public comment at an open Board meeting. Ms. Hughes' Request for Review was timely filed and otherwise complies with the requirements of section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2012)).

3) The Attorney General properly extended the time to issue a binding opinion by 21 business days, to September 4, 2014, pursuant to section 3.5(e) of OMA. Therefore, the Attorney General may properly issue a binding opinion with respect to Ms. Hughes' Request for Review.

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<sup>18</sup>The Board and Ms. Hughes disagree whether she had given her home address prior to public comment at previous meetings. Even if Ms. Hughes had previously stated her address at an open meeting in order to be allowed to speak, however, that disclosure would not waive her right to protest this practice or affect the invalidity of such a rule.

4) Section 2.06(g) of OMA provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body."

5) Although the Board is authorized under section 2.06(g) of OMA to establish and record rules related to public comment, the Board did not establish or record a rule that a speaker must provide a home address prior to providing public comment.

6) Prior to the audience participation portion of the April 14, 2014, meeting, the Mayor directed that persons wishing to address the Board approach the podium and state their name and address for the record.

7) When Ms. Hughes attempted to address the Board without providing her exact home address, she was asked three more times to state her complete home address.

8) The Village Attorney advised the Mayor that Ms. Hughes should be allowed to address the Board without providing her complete home address. Ms. Hughes, however, did finally state her full home address before addressing the Board.

9) The Attorney General concludes that the Board violated section 2.06(g) of OMA when it stated that Ms. Hughes must provide her complete home address for the record before addressing the Board, although this requirement was not an established and recorded rule. Further, even if the Board had established and recorded such a rule, the rule would violate OMA because it is not reasonably related to promoting meeting order or decorum; or ensuring that other speakers have an opportunity to address the public body.

Therefore, it is the opinion of the Attorney General that the Lemont Village Board violated the Open Meetings Act when it tried to require Ms. Hughes to state her home address for the record prior to addressing the Board. In accordance with these findings of fact and conclusions of law, the Board is directed to take appropriate action to comply with this opinion by conducting its future meetings in full compliance with OMA.


This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et. seq.* (West 2012). An aggrieved party may obtain judicial review of the decision by filing a

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complaint for administrative review in the Circuit Court of Cook or Sangamon County within 35 days of the date of this decision naming the Attorney General of Illinois and Ms. Janet Hughes as defendants. *See* 5 ILCS 120/7.5 (West 2012).

Very truly yours,

LISA MADIGAN  
ATTORNEY GENERAL

By:   
Michael J. Luke  
Counsel to the Attorney General



Date: 1-19-2015

**CITY OF WEST CHICAGO, ILLINOIS  
APPLICATION TO SERVE ON CITY BOARD OR COMMISSION**

NAME: Uwe Gsedl  
ADDRESS: 183 Risch Court  
CITY: West Chicago  
EMPLOYER: Self

HOME TELEPHONE: 630-293-4435  
WORK TELEPHONE: 630-292-4435  
STATE: Illinois ZIP: 60185  
JOB TITLE: \_\_\_\_\_

HAVE YOUR RESIDED IN WEST CHICAGO FOR OVER ONE (1) YEAR? ☒ YES ☐ NO

**I am interested in serving on:**

- ☐ Building Board of Appeals
- ☐ Civil Service Commission
- ☒ Cultural Arts Commission
- ☐ Environmental Commission
- ☐ Historical Preservation Commission
- ☐ Plan Commission & Zoning Board of Appeals
- ☐ Police Pension Board

**Area of knowledge and/or expertise:**

- ☒ Computers
- ☐ Financial Mgmt.
- ☐ Pension Fund
- ☐ Land Use Planning
- ☒ Graphics
- ☐ Real Estate
- ☐ Building Construction
- ☐ Engineering
- ☒ Community Groups
- ☐ Other: \_\_\_\_\_

**EMPLOYMENT BACKGROUND:**

Graphic arts, Advertising, Self employment in graphic design and photography

**EDUCATION BACKGROUND:**

High School, 3 year apprentice as a letterpress typesetter (all in Germany)  
Classes at COD in photography

**WHAT OTHER QUALIFICATIONS DO YOU FEEL YOU HAVE TO OFFER THE ABOVE REFERENCED BOARD/COMMISSION?**

I am a graphic designer, commercial photographer and artist, Resident of 21 years

**WOULD YOU BE ABLE TO ATTEND REGULARLY SCHEDULED MEETINGS?**

yes

**For Office Use Only**

Copy Submitted to Mayor: \_\_\_\_\_ Presented to City Council: \_\_\_\_\_

Appointed to: \_\_\_\_\_

Term of Office: From: \_\_\_\_\_ to: \_\_\_\_\_

Reappointment: From: \_\_\_\_\_ to: \_\_\_\_\_

Submit completed application to office of the Mayor:  
fax (630) 293-3028; email [info@westchicago.org](mailto:info@westchicago.org) Call (630) 293-2200 ext. 123.

**Submit**