

City of West Chicago  
Plan Commission and Zoning Board of Appeals  
Rules of Procedure

**Article I – General Provisions**

- Section 1.1 These Rules of Procedure shall govern the West Chicago Plan Commission and Zoning Board of Appeals, hereinafter referred to as the “Commission”.
- Section 1.2 The Commission is authorized to adopt these Rules of Procedure pursuant to Section 2-384(b) of the Code of Ordinances of the City of West Chicago.
- Section 1.3 The duties and responsibilities granted to the Commission are contained in Sections 2-385 and 2-386 of the Code of Ordinances of the City of West Chicago, and the Illinois Compiled Statutes, 65 ILCS 5/11-12-4 et seq., 65 ILCS 5/11-13-1 et seq., and 765 ILCS 205/01 et seq.
- Section 1.4 The Commission shall serve in an advisory role to the West Chicago City Council, hereinafter referred to as the “Council”.
- Section 1.5 The Commission shall conduct their business at West Chicago City Hall, 475 Main Street, West Chicago, IL 60185, unless otherwise noted.

**Article II – Membership and Officers**

- Section 2.1 The Commission shall consist of seven (7) members, each appointed by the Mayor of West Chicago, hereinafter referred to as the “Mayor”, with the consent of the Council.
- Section 2.2 Members of the Commission shall each be appointed for a term of five (5) years and each member may serve multiple terms.
- Section 2.3 The Mayor, with the consent of the Council, may appoint a non-voting ex-officio member to serve on the Commission. Said ex-officio member shall not be compensated nor eligible to serve as Chairperson, Vice-Chairperson, or Chairperson Pro Tem. The term of the ex-officio member shall be five (5) years and multiple terms may be served.
- Section 2.4 The Mayor, with the consent of the Council, shall appoint a member of the Commission to serve as the Chairperson of the Commission for a term of one (1) year. The term of the Chairperson shall coincide with the City’s fiscal year. The Chairperson may serve multiple terms as Chairperson.
- Section 2.5 Members of the Commission shall elect a Vice-Chairperson from among their members for a term of one (1) year. The term of the Vice-Chairperson shall coincide with the City’s fiscal year. The Vice-Chairperson may serve multiple terms as Vice-Chairperson.

Section 2.6 Each Commission member shall receive for their services compensation, if any, as determined by the Council, so long as the member has said compensation directly deposited into a bank account.

### **Article III – Duties of Officers**

Section 3.1 The Chairperson shall preside over the Commission meetings and oversee the business of the Commission.

Section 3.2 The Chairperson shall sign all approved plats and other official documents of the Commission.

Section 3.3 The Vice-Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.

Section 3.4 In the event both the Chairperson and Vice-Chairperson are absent or unable to perform their duties, the member of the Commission having the most seniority shall serve as Chairperson Pro-Tem.

### **Article IV – Meetings**

Section 4.1 Regular meetings of the Commission shall be held on the first and third Tuesday of each month at 7:00 p.m. and shall take place in the council chambers of West Chicago City Hall, unless otherwise noted.

Section 4.2 Special meetings may be called by the Chairperson, or by any three (3) members of the Commission, with no less than 48 hours notice given to each member.

Section 4.3 All meetings of the Commission shall be open to the public and subject to the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*).

Section 4.4 No meeting shall occur unless a quorum is present. A quorum shall consist of four (4) Commission members.

Section 4.5 Regular meetings may be cancelled by the Chairperson when there are no cases pending or when it is apparent that a quorum will not be present at the meeting. Notification of cancelled meetings shall be sent to members of the Commission and posted in accordance with the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*).

Section 4.6 The order of business for all meetings of the Commission shall be as follows:

- a. Call to Order
- b. Roll Call and Determination of Quorum
- c. Pledge of Allegiance
- d. Chairperson's Comments
- e. Public Comment
- f. Approval of Draft Meeting Minutes of Previous Meetings
- g. Public Hearings

- h. Review and Recommendation of Agenda Items
- i. Other Business
- j. Adjournment

Section 4.7 The Director of Community Development, hereinafter referred to as the “Director”, or their designee, shall take minutes of the proceedings of the Commission. The minutes of a meeting shall be reviewed for approval by the Commission at the next available meeting. All approved minutes shall be posted for public inspection.

Section 4.8 Any member of the Commission required to recuse themselves, in accordance with Section 7.2 of these Rules of Procedure, shall announce such recusal prior to the agenda item being called by the Chairperson and shall remove themselves from the Council Chambers for the duration of the discussion, deliberations, and recommendation of the agenda item.

Section 4.9 Motions providing for a recommendation to the Council shall require a concurring vote of a majority of Commission members then in office. A tie vote, or the failure to obtain a concurring vote of a majority of Commission members then in office, shall constitute a denial or a “failure to recommend”.

Section 4.10 Motions for all other procedural matters shall require the concurring vote of a majority of Commission members present at the meeting.

#### **Article V – Public Hearing Procedures**

Section 5.1 A court reporter shall be present for all public hearings and shall transcribe a verbatim account of each public hearing.

Section 5.2 Members of the public that wish to address the Commission during a public hearing to provide testimony on the subject matter shall complete and submit to the Chairperson an audience participation sheet provided by the Director, or their designee, before or during the hearing.

Section 5.3 Public hearings shall be conducted according to the following procedures:

- a. The Chairperson shall call the agenda item, including the case number, petitioner name, location, and zoning request, and shall request a motion from the members of the Commission to open the public hearing.
- b. Once the public hearing has been opened, the Director, or their designee, shall be duly sworn in by the court reporter and shall present the staff report and recommendation. Members of the Commission shall have the opportunity to question the Director, or their designee, regarding the information presented.
- c. The petitioner(s) and their representatives, after having been duly sworn in by the court reporter, may provide testimony supporting their request.

Members of the Commission shall have the opportunity to question the petitioner(s) and their representatives regarding the information presented.

- d. The Chairperson shall recognize members of the public in the order in which audience participation forms were received. Members of the Commission may ask follow-up questions of each speaker.
- e. Members of the public are also permitted to cross-examine the petitioner(s) and their representatives.
- f. Following public comment and cross-examination, the petitioner(s) shall have the opportunity to cross-examine any member of the public that provided testimony to the Commission. The petitioner(s) shall also have the opportunity for closing remarks prior to the close of the public hearing.
- g. Members of the Commission may ask follow up questions of the Director, or their designee, the petitioner(s), and members of the public who addressed the Commission at any time prior to the close of the public hearing.
- h. Upon completion of public comment, cross examination, closing remarks by the petitioner(s), and questions from the Commission members, the Commission may move to close the public hearing.
- i. Prior to closing the public hearing, the Commission may continue a public hearing to a date certain at any point during the public hearing because of time constraints, logistical issues, or if additional information is requested by the Commission.

Section 5.4 Each individual that addresses the Commission shall state their first and last name and shall be duly sworn in by the court reporter prior to addressing the Commission.

Section 5.5 Each member of the public shall be permitted to address the Commission for up to three (3) minutes. If a speaker is a representative of multiple members of the public present at the hearing, the Chairperson may allow additional time to be afforded to said speaker. An individual may address the Commission more than once but only at the sole discretion of the Chairperson.

Section 5.6 Speakers shall at all times be respectful of the Commission members, staff, the petitioner(s), and members of the public, and shall refrain from irrelevant, immaterial, or unduly repetitious testimony.

Section 5.7 Any member in the audience who disrupts the Commission meeting, begins speaking out of turn, or uses inappropriate language may be asked to leave the meeting by the Chairperson.

## **Article VI - Review and Recommendation**

Section 6.1 After the public hearing has been closed, the Commission shall deliberate on the subject matter.

- Section 6.2 All deliberations and votes on a recommendation shall occur in public session.
- Section 6.3 During deliberations, no additional testimony will be accepted and no further questions from members of the Commission, other than procedural, will be allowed.
- Section 6.4 At the conclusion of deliberations, the Commission may move to provide a recommendation to the Council.
- Section 6.5 The recommendation made by the Commission shall incorporate specific findings of fact as outlined in Article V of Appendix A (the Zoning Code) of the Code of Ordinances of the City of West Chicago.
- Section 6.6 A written report shall be prepared indicating the recommendation and vote by the members of the Commission and include the findings of fact incorporated therein as well as any conditions included with the Commission's recommendation.

**Article VII – Rules of Conduct**

- Section 7.1 Members of the Commission shall make every effort to attend all meetings. When a conflict arises in which the member cannot attend a meeting, the member shall notify the Director, or their designee, as soon as practical.
- Section 7.2 Members of the Commission having a direct financial or ownership interest on a subject matter brought before the Commission shall recuse themselves from any discussion, deliberation, and vote on the matter.
- Section 7.3 Members of the Commission shall refrain, to the extent practical, from engaging in verbal or written ex parte communications regarding any matter upon which the Commission is asked to take action.
- Section 7.4 Members of the Commission shall comply with the State Gift Ban Act (5 ILCS 430) and Article XI, Chapter 2 of the Code of Ordinances of the City of West Chicago.
- Section 7.5 Members of the Commission shall conduct themselves in a fair, courteous, and respectful manner at all times at meetings.

**Article VIII Severability, Amendments, and Adoption**

- Section 8.1 If any section of these Rules of Procedure is declared to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of these Rules of Procedure except as to the section so declared invalid.

Section 8.2 These Rules of Procedure of the Commission may be amended at any regular meeting of the Commission by the concurring vote of a majority of Commission members then holding office.

Section 8.3 Prior to becoming effective, these Rules of Procedure shall be approved by a concurring vote of two-thirds of the Commission members then holding office.

Approved and adopted by the West Chicago Plan Commission and Zoning Board of Appeals this 2<sup>nd</sup> day of August, 2022.