

CHAPTER 19

PUBLIC COMMENTS AT PUBLIC MEETINGS AND PUBLIC HEARINGS

ARTICLE A:

- 1-19A-1: LIMITED PUBLIC FORUM:
- 1-19A-2: LIMITATIONS
- 1-19A-3: RECORDING

ARTICLE B:

- 1-19B-1: DEFINITIONS
- 1-19B-2: RULES
- 1-19B-3: ORDER OF PRESENTATION
- 1-19B-4: PROCEDURES FOR CONTINUING PUBLIC HEARINGS

ARTICLE A.

PUBLIC COMMENTS AT PUBLIC MEETINGS

1-19A-1: LIMITED PUBLIC FORUM:

- A. All public meetings of public bodies of the Village shall be and are hereby declared to be a limited public forum for comments by members of the public as required by the Illinois Open Meetings Act, but any statements made and/or opinions expressed by members of the public in attendance at such public meeting(s) do not reflect the views of the Village or of any officer, employee, or public body of the Village, but rather, represent only the views of the persons making such statements and/or presenting such opinions who are solely responsible for the content thereof.
- B. Any member of the public making comments at any public meeting(s) of any public body of the Village shall do so in a manner so as to not disturb and/or disrupt any of the proceedings of such public meeting(s).
- C. All members of the public in attendance at a public meeting of any public body of the Village shall have an opportunity to be heard during that portion or those portions of the public body's agenda designated for public comment on the agenda for such meeting, or if there is no such item on the agenda, then at the end of the public body's agenda prior to adjournment. Any member of the public offering comments at a public meeting of any public body of the Village shall make such comments during that portion or those portions of the public body's agenda designated for public comment on the agenda for such meeting, or if there is none, then at the end of the public body's agenda prior to adjournment. Any member of the public wishing to offer comments at such a public meeting shall wait to make such comments until

recognized by the chair for such purpose, provided, however, the chair of the public body, or the public body by a vote of at least a majority, may move the time designated for public comment(s) on a particular issue to what the chair or public body deems to be a more appropriate or convenient place on the agenda of the public body.

1-19A-2: LIMITATIONS:

- A. The chair of the public body, or the public body by a vote of at least a majority of a quorum, may limit public comments to maintain, encourage, and foster civility. The chair may take such actions as are required to maintain an orderly and civil meeting. The chair may declare as out of order patently offensive or obscene comments or gestures.
- B. The chair may impose reasonable limitations on public comment presented at any public meeting, such as time limits and/or limitations on repetitious, irrelevant or immaterial testimony, which ruling(s) may be overruled by a majority of at least a quorum of the public body. Time limits, if imposed, shall be fair and even-handedly administered. The chair may rule on all questions related to the relevancy of any public comment(s), which ruling(s) may be overruled by a majority of at least a quorum of the public body. The chair may also impose reasonable conditions and/or limitations on public comments, including but not limited to time limitations, after giving due consideration to factors present in particular proceedings, including, but not limited to, the following:
 - 1. The complexity of the issue;
 - 2. Whether the member of the public offering comments possesses special expertise;
 - 3. Whether the public comments are a matter of taste or personal opinion or concern an issue or proposal;
 - 4. The degree to which the person's comments relate to the factors which can be legally considered relative to any particular issue or proposal.
- C. Any member of the public making comments at a public meeting shall be required to sign in and identify in a general way the issue(s) on which such person wishes to comment.
- D. A member of the public may appear and make comments at a public meeting on his or her own behalf or may be represented by an attorney. Any attorney representing any party or objector(s) at such public meeting shall file a written appearance and include thereon the names, addresses, and telephone numbers of all of his or her clients, and any such attorney shall also be subject to the same rules of conduct as provided by this Village Code.

1-19A-3: RECORDING:

Any member of the public attending, participating in, and/or speaking at such a public Village meeting should recognize the fact that, pursuant to the Illinois Open Meetings Act, the Village is legally required to allow the recording of such public meetings and those in attendance and cannot prevent and/or control the dissemination, use, and/or republication of such recording(s).

ARTICLE B.
PUBLIC HEARINGS

1-19B-1: DEFINITIONS:

For the purpose of this Chapter, the following words shall have such meanings herein ascribed to them:

DOCUMENT: The complete original (or a complete copy when the original is not available) and any nonidentical copy (whether different from the original because of notes made on the copy or otherwise) of any writing, record, or other submittal, including, but not limited to, a book, pamphlet, binder, periodical, letter, memorandum, telegram, report, progress notes, interoffice or intraoffice communication, handwritten or other note, working paper, transcription, draft, application, permit, photograph, data sheet, data processing sheet, computer printout, microfilm, microfiche, correspondence, notebooks, diaries, desk calendars, charts, survey, plat, photographs and records of any kind, as well as all computer readable data compilations, including, but not limited to, tapes, diskettes, cards, cassettes, CDs, and all other electronic or mechanical devices which contain information, as well as all attachments, exhibits, enclosures, or documents affixed to or referred to in such documents.

EX PARTE COMMUNICATIONS: Communications by a petitioner or other party to one or more members of the public body, on the subject matter of the public hearing once a petition, request, or application which requires such hearing has been filed with the village, where such communication is not made during the public hearings or is not otherwise made part of the public record in such a manner that other parties may not have a fair opportunity to respond to such communication, but such term shall not include communications by the village staff to the public body or to individual members thereof.

PARTY, PARTIES, PERSON OR PERSONS: One or more natural person, proprietorship, private corporation, professional corporation, public corporation, municipal corporation, partnership, association, state or local governmental entity, governmental agency, political subdivision, group, association, committee or any other organization.

PETITIONER: The petitioner and/or applicant(s) or person(s) making a request of the public body for its consideration and decision or recommendation.

PUBLIC HEARING: A formal proceeding mandated by law for the purpose of taking public comments and/or evidence with a view to formulating a decision or recommendation on an issue within the jurisdiction of the public body. A “public hearing” is distinguished from a “meeting” in that all hearings are meetings, but not all meetings are hearings.

RELATED TO, RELATING TO, OR RELATIVE TO: Directly or indirectly mentioning or describing, pertaining to, being directly or indirectly connected with, or reflecting upon a stated subject matter.

USABLE: Legible, audible, or visible, depending on the nature of the document.

1-19B-2: RULES:

The following rules shall be applicable to all public hearings required by law to be held by the board of trustees, or by any commission or board, committee, subcommittee, or other public bodies of the Village of Holiday Hills:

- A. All hearings of the public body shall be held in compliance with the Illinois open meetings act. Ex parte communications with members of the public body on the subject matter of the public hearing once a petition, request, or application which requires such hearing has been filed with the Village may deprive other parties of a fair opportunity to respond to such communications and, therefore, such ex parte communications are discouraged and shall not be considered by the members of the public body in their deliberations on the subject matter of the public hearing. Likewise, evidence presented after the presentation of testimony, evidence and public statements is closed by the public body or by its chair is discouraged and may not be considered by the public body in its deliberations for the same reasons.
- B. The chair may impose reasonable limitations on evidence or testimony presented by persons and parties, such as time limits and barring repetitious, irrelevant or immaterial testimony, which ruling may be overruled by a majority of at least a quorum of the public body. Time limits, if imposed, shall be fair, generous and equally administered. The public body shall not be bound by strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence shall not be admissible. The chair shall rule on all questions related to the admissibility of evidence, which ruling may be overruled by a majority of at least a quorum of the public body. The chair may also impose reasonable conditions on the hearing process after giving due consideration to factors present in particular proceedings, including, but not limited to, the following:

1. The complexity of the issue.
2. Whether the witness possesses special expertise.
3. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
4. The degree to which the witness's testimony relates to the factors to be considered in approving or denying the proposal.
5. Such other factors appropriate for the hearing.

Again, any such rulings may be overruled by a majority of at least a quorum of the public body.

- C. The chair may take such actions as are required to maintain an orderly and civil hearing.
- D. Proof of lawful notice shall be introduced into evidence before the public body.
- E. A record of proceedings at the public hearing shall be made as directed by the public body.
- F. A petitioner may appear on his or her own behalf or may be represented by an attorney or agent.
- G. Any attorney representing any party, including, but not limited to, objector(s) at such public hearing shall file a written appearance and include thereon the names, addresses, and telephone numbers of all of his or her clients he or she is representing relative to the subject matter of the hearing. Such appearance form shall provide the following information in legible form:
 1. Subject matter.
 2. Name, address, telephone number and fax number of party.
 3. E-mail address, if any, of party.
 4. Name, address, telephone number and fax number of party's attorney, if any. The name(s), address(es), and telephone number(s) of all such attorney's clients shall be provided in legible form.
- H. Both the Village and the petitioner, if any, shall each be a party in every public hearing, but need not file a written appearance.
- I. In addition to the petitioner, any person may appear pro se and participate at the hearing, but if a person wishes to receive any documents filed by other parties relative to the subject matter of such public hearing, such person or his or her attorney(s) must first file a written appearance as provided in this section.
- J. Persons participating shall identify themselves by name and address for the record, either orally or in writing, and indicate if an attorney represents them.

- K. All persons in attendance shall have an opportunity to be heard. Any person for himself or herself or through an attorney shall also have the right to cross examine others testifying at the hearing consistent with the limitations which may be established pursuant to subsection B of this section. Such right to cross examine others testifying at the hearing may include inquiry about any professional, pecuniary or other personal interest such witness may have directly or indirectly in the subject matter of the hearing.
- L. Legible copies of any documents of any nature filed with the Village by the petitioner(s) or by any other party who has filed a written appearance, whether pro se and/or through an attorney, shall be sent by and at the expense of the party who files such document(s) with the Village, to all other parties by facsimile, overnight courier, or regular mail within seven (7) business days after the originals of such documents are filed with the Village.
- M. The examination of a witness shall not be used by the questioner to offer testimony or evidence of the questioner.
- N. All persons offering testimony at a hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if he or she is questioning witnesses, summarizing testimony of witnesses, or addressing the public body.
- O. The order of presentation at a public hearing shall generally be as specified in Section 1-19B-3 of this Chapter, but may be modified as determined appropriate by the chair.
- P. At the conclusion of an evidentiary portion of the public hearing, the public body may, among other actions, move to close the evidentiary portion of the public hearing and then deliberate its decision on the matter under consideration, on the evidence presented, or continue the hearing to a date, time and location certain.
- Q. A member who is not present at a public hearing may vote on a matter, provided such member has heard an audio tape or read the transcript of the public hearing, reviewed the evidence presented at the hearing, and otherwise thoroughly familiarized himself or herself with the matter under consideration.
- R. A written decision shall be prepared which shall include findings of fact and the public body's recommendation or decision based upon the record.

1-19B-3: ORDER OF PRESENTATION:

The order of presentation of evidence at a public hearing shall generally be as follows, but may be modified as determined appropriate by the chair:

- A. Identification of the docket number and petitioner, if any, and submittal of proof of notice.

- B. Introduction by the petitioner, if any.
- C. Testimony and other evidence by petitioner, if any.
- D. Staff report.
- E. Petitioner response to staff report, if any.
- F. Staff reply, if any.
- G. Public body examination of petitioner's witnesses, if any, and of village staff.
- H. Cross examination of petitioner's witnesses and of village staff by other parties, if any.
- I. Reexamination by petitioner may be allowed in some cases.
- J. Testimony by witnesses of other parties (including testimony by members of the public) and other evidence by such other parties, if any.
- K. Public body examination of witnesses of other parties, if any.
- L. Cross examination of the witnesses of other parties by the petitioner, if any.
- M. Reexamination of witnesses may be allowed in some cases.
- N. Summary by petitioner, if any.
- O. Summary by other parties, if any.
- P. Closing statement by petitioner, if any.
- Q. Summary by village staff.
- R. Presentation of testimony, evidence and public statements is closed by the public body or by its chair and the public body conducts deliberations.
- S. Vote on motion and related findings of fact.

1-19B-4: PROCEDURES FOR CONTINUING PUBLIC HEARINGS:

When due notice has been published and/or mailed for a public hearing, in accordance with Illinois statutes and the applicable ordinances of this Village, or when such public hearing has previously been continued to a time, date and place by a motion of such hearing body duly approved at a public meeting of such hearing body, or when such a public hearing has previously been continued in accordance with the provisions of this section, but it appears

that the hearing body does not or will not have the necessary quorum of its members to conduct business at the scheduled time, date and place for such public hearing, the chairman or acting chairman of such hearing body, or any member of such hearing body present at the appointed time, date and place of such hearing, shall have authority to and may enter a written order continuing such public hearing to a time, date and place certain, and the posting of such order at, during, or before the original appointed time, date and place of such hearing shall constitute sufficient notice to the public of such continued public hearing, and no further notice by mail or by publication shall be required.