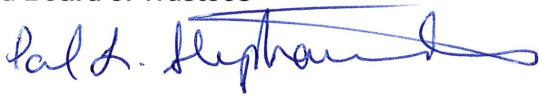




VILLAGE OF OAK PARK
LAW DEPARTMENT

MEMORANDUM

To: Honorable Mayor Anan Abu-Taleb and Board of Trustees
cc: Cara Pavlicek, Village Manager
From: Paul L. Stephanides, Village Attorney 
Date: March 31, 2017
Re: Board of Trustees Authority

INTRODUCTION

As part of the new Trustees orientation, this memorandum addresses the general authority of the Board of Trustees of the Village of Oak Park ("Village").

DISCUSSION

The legislative body of the Village is the Board of Trustees. *Oak Park Village Code*, Sec. 2-2-4. The powers of the Board "shall be considered purely legislative." 65 ILCS 5/5-3-6.

Pursuant to state statute, the Board of Trustees takes legislative action in the form of motions, resolutions and ordinances. 65 ILCS 5/3.1-45-5. In order to conduct business and adopt a motion, resolution or ordinance, a majority of the corporate authorities must be present at a meeting. The "corporate authorities" are defined as the Village President ("Mayor") and Trustees. 65 ILCS 5/1-1-2(2). A quorum must be present not only to begin a meeting, but also at the time of a vote on any proposition. A quorum is four members of the corporate authorities. 65 ILCS 5/3.1-40-20. When less than a quorum remains at a meeting, business in the form of votes on matters must be suspended. Any actions taken without a quorum are void.

In general, a majority vote of the corporate authorities is required to adopt any motion, resolution or ordinance. An item can be discussed at a meeting, but it must be on the published agenda for a vote to be taken. *Rice v. Board of Trustees of Adams County*, 326 Ill.App.3d 1120, 261 Ill.Dec. 278, 762 N.E.2d 1205 (4th Dist. 2002).

A roll call vote is required to pass all ordinances and any resolution or motion (i) to create any liability against the Village or (ii) for any expenditure or appropriation. 65 ILCS 5/5-3-2. When there is doubt, it is advisable to take a roll call vote. The other method to take a vote on a matter is when the Mayor asks for a "general" or "unanimous" vote. This is when the

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Mayor asks for those in favor of an item to signify by saying “aye” or “yes” and those opposed to signify by saying “nay” or “no.”

The Village’s schedule of regular meetings is set at the beginning of each calendar year pursuant to a schedule which provides the regular dates, times, and places of such meetings pursuant to the Illinois Open Meetings Act. 5 ILCS 120/2.02. A majority of a quorum of the corporate authorities, i.e., three members of the corporate authorities, is prohibited from meeting to discuss any Village business unless the meeting has been duly posted and noticed pursuant to the Open Meetings Act. 5 ILCS 120/1.02; 5 ILCS 120/2. The Mayor presides over all Village Board meetings and shall decide all questions of order. 65 ILCS 3.1-40-30.

CONCLUSION

This memorandum is intended to provide an introduction into the duties and responsibilities of Trustees. If you have specific questions, please do not hesitate to contact me.