

Minutes Of A Special Meeting/Workshop Of The Board Of Trustees For The Village Of University Park, Will And Cook Counties Illinois, Held Tuesday, March 26, 2013 At #90 Town Center Drive In The Village Of University Park

A. CALL TO ORDER

In the absence of Mayor Covington, Mayor Pro-tem Larry Brown called this special/workshop meeting of the Board of Trustees to order at 6:17 p.m.

B. ROLL CALL

Mayor:	Vivian E. Covington	Absent
Trustees:	Elizabeth Williams	Present
	Oscar H. Brown, Jr.	Present
	Milton C. Payton	Present
	Keith J. Griffin	Present
	Joseph E. Roudez, III	Absent
	Larry B. Brown	Present

Also present were Village Manager Lafayette Linear, Attorney Adam Lasker for Village Attorney Stewart Diamond, and Village Clerk Dorothy R. Jones.

C. DISCUSSION AGENDA

C-1: Presentation Of Tower Builders To The Board of Trustees

Trustee Payton stated that he was declaring this meeting in violation of the Opens Meeting Act, and thereby an illegal meeting. He quoted from that portion of Standing Rules Two, Section 210.01 (b) of the Board that deals with Call of Meetings, which reads "Special meetings shall deal only with business previously announced, except that other business of an urgent nature may, by unanimous consent of those present, be acted upon provisionally, subject to ratification at the next regular meeting of the Board". He stated that none of those happened, that this item was never on a previous agenda, therefore it was not previously announced, and as a result of such he would not participate in an illegal meeting and would leave; however, he would return for the regular 7:00 legal meeting. He urged others with responsibility, especially elected and appointed officials not to participate in this illegal meeting. Trustee Payton left the meeting at 6:20.

Board members and Manager Linear asked attorney Lasker for a legal opinion.

Attorney Lasker read the Standing Rule reference by Trustee Payton, and State Status, and stated that it was his legal opinion that this meeting was timely and properly noticed, was item specific, and did not violate the OMA; therefore, it was a legal meeting. He noted that the agenda specified the one item that would be discussed.

After the legal decision of Attorney Lasker was given, Mayor Pro-tem Larry Brown stated that this Company made a presentation at a previous meeting, and that he too would not participate in this meeting. Trustee Larry Brown left the meeting at 6:26 p.m.

With the exiting of Trustees Payton and Larry Brown a quorum did not exist and the meeting stood in recess until a quorum was present.

At 6:55 p.m. with a quorum of the Mayor and all six Trustees present, Attorney Lasker noted that the Board could now resume or adjourn the special/workshop meeting.

ADJOURNMENT

Trustee Oscar Brown made a motion to recess this special/workshop meeting to the next regular scheduled meeting of April 9, 2013 at 7:00 p.m.

Trustee Payton stated that since the 6:00 meeting was an illegal meeting and in violation of the Opens Meeting Act, it should not and could not be recessed.

Trustee Payton moved, Trustee Larry Brown seconded a motion to adjourn this meeting at 7:15 p.m.

Ayes: Trustees Larry Brown, and Payton.
Nays: Trustees Roudez, Griffin, Oscar Brown and Williams.
Absent: None.

Motion To Adjourn Failed To Carry.

Trustee Oscar Brown made a motion to postpone this special/workshop meeting to the next regular scheduled meeting of April 9, 2013 at 7:00 p.m. Trustee Roudez seconded the motion.

Trustee Payton re-iterated his objection and stated that the 6:00 meeting was an illegal meeting and in violation of the Opens Meeting Act, and our Standing Rules, because our Standing Rules states that the subject of a special meeting must be previously announced at a previous meeting, or be of an urgent nature, which this meeting was not; therefore it was a violation of the OMA. He further stated that at the previous meeting, Mayor Covington stated that there would be a workshop on Tower Construction, and this did not happen. He also feels that this is a political ploy prior to

an election, and other attorneys that he spoke with stated that this was an illegal meeting.

Attorney Lasker re-iterated his previous opinion that it was his legal opinion that this meeting was timely and properly noticed, was item specific, and did not violate the OMA; therefore, it was a legal meeting. He noted that the agenda specified the one item that would be discussed. Relating to the Standing Rule that Trustee Payton referred to, he stated that the wording "previously announced" was open to interpretation, and that he did not find in the ordinance where it indicated that the matter must be previously discussed at a meeting, and that is not taken from the Opens Meeting Act, and therefore, it is his opinion that the meeting was properly noticed and called.

Motion To Amend

Trustee Oscar Brown made a motion to postpone this special/workshop meeting to the next regular scheduled meeting date of April 9, 2013 at 6:30 p.m. Trustee Griffin seconded the motion.

Ayes: Trustees Roudez, Griffin, Oscar Brown and Williams
Nays: Trustees Payton and Larry Brown.
Absent: None.

Motion To Postpone Carried.

Meeting was adjourned at 7:19 p.m.

Respectfully Submitted,

Dorothy R. Jones, CMC
Village Clerk