CITY OF ELGIN
Elgin Heritage Commission
(Adopted June 16, 2020)

RULES OF ORDER

Article I. General Provisions

1.1 Supplemental Rules. These rules supplement the provisions of Chapter 3.70 and Title 20 of the Elgin Municipal Code, 1976, as amended, as they relate to the powers and duties and procedures of the City of Elgin, the Elgin Heritage Commission ("Commission").

1.2 Participation. No Commission member shall participate in the deliberation or vote on a question in which he or she has a direct personal or pecuniary interest not common to other members of the Commission. Any Commission member shall abstain from voting on a question of direct personal interest.

1.3 Powers and Authority to Change Preservation Ordinance. Nothing herein shall be construed to give or grant to the Commission the power or authority to alter or change the Historic Preservation ordinance, including the historic district map, which authority is reserved to the Elgin City Council ("city council").

1.4 Corporation Counsel. The City of Elgin Corporation Counsel may be consulted in cases where the powers of the Commission are not clearly defined.

1.5 Agenda. Matters referred to the Commission by the city council shall be placed on the agenda for consideration and action at the first available meeting of the Commission after such referral and as procedures allow.

1.6 Rules of Order. Robert’s Rules of Order are hereby adopted for the government of the Commission in all cases not otherwise provided for in these rules.

1.7 Location. The office of the Commission shall be located at 150 Dexter Court, Elgin, Illinois.

Article II. Officers and Duties

2.1 Officers. The Commission’s officers shall be a chairperson, a vice-chairperson and a secretary.

2.2 Designation of Chairperson and Vice-Chairperson. The Commission shall elect from among its members a chairperson and a vice-chairperson when the chairperson is absent. In the event of death, removal for cause or resignation of the chairperson, his or her successor shall be designated by the Commission.
2.3 Duties of Chairperson. The chairperson shall supervise the affairs of the Commission and shall have such other duties as provided by these rules. The chairperson shall preside at all meetings of the Commission, shall appoint such subcommittees as may be necessary to carry out the purposes of the Commission, and shall provide for the oath to be administered to all witnesses in cases before the Commission. The chairperson shall be an ex officio member of all subcommittees appointed.

2.4 Vice-Chairperson. The Vice-chairperson, in the absence or disability of the chairperson shall perform all the duties and exercise all the powers of the chairperson.

2.5 Duties of Secretary. The City of Elgin Development Administrator ("development administrator"), or his or her designee, shall serve as the secretary for the Commission. The secretary shall summarize in minutes all deliberations of the Commission, shall summarize accurately the testimony of all witnesses appearing before the Commission or keep a verbatim transcript of all hearings, and shall file all minutes and records in the office of the Commission, which minutes and records shall be a public record.

Article III. Meetings

3.1 Open Meetings Act. All Commission meetings shall be subject to the Illinois Open Meetings Act (5 ILCS 120/1 et seq.).

3.2 Meeting Dates. Regular meetings of the Commission shall be held on the first Tuesday of each month at 7:00 p.m. at Elgin City Hall, 150 Dexter Court, Elgin, Illinois. In the event the regular meeting day is a recognized holiday, or regular location of the meeting is unavailable, the Commission shall designate an alternate meeting date and location.

3.3 Cancellation of Meetings. Regular meetings may be cancelled by the chairperson when there are no cases pending or for lack of a quorum. Notification shall be given to members, however, not less than twenty-four (24) hours prior to the time set forth for such cancelled meetings.

3.4 Special Meetings. Special meetings may be called by the chairperson or upon the request of two or more Commission members provided that forty-eight (48) hours notice is given to each Commission member.

3.5 Continuances. Any deliberation not concluded or heard by the Commission shall be continued to the next regular meeting or to a special meeting at the direction of a majority of the Commission members present.

3.6 Meetings. All meetings and hearings shall be open to the public.
3.7 Quorum. A quorum shall consist of five members. A minimum of four concurring votes are required to take any action.

3.8 Electronic Attendance at Meetings. The Commission may attend a meeting electronically in accordance with Chapter 3.03.130 titled “Electronic Attendance at Meetings.”

Article IV. Order of Business

4.1 Order of Business. All meetings of the Commission shall proceed as follows:

- Roll call and declaration of a quorum.
- Review and approval of minutes of previous meeting.
- Hearing requests for addition, withdrawal or a continuance of items of business on the published agenda:
  - Addition, withdrawal or continuances may be granted at the discretion of the Commission in any case for good cause shown.
  - In the event an applicant or citizen representing an item of business fails to appear, the chair may entertain a motion from the Commission to continue, conduct the hearing, or dismiss a matter for want of prosecution.
- In the absence of a motion by the Commission, the chairperson shall rule.
- Discussion of items of business contained within the published agenda, or added following the consent of the Chairperson
- Other business.
- Adjournment.

Article V. Notices of Meetings

5.1 Notice of Meeting. The development administrator, or his or her designee, shall cause notice of Commission meetings to be posted at the location designated by the City Clerk no less than forty-eight hours prior to the meeting. The notice shall state the items intended to be discussed at the meeting.

5.2 Continued Hearings. The Commission may continue a meeting without further notices being posted.
Article VI. Notices for Public Hearings

6.1 Notice of Public Hearing. The development administrator, or his or her designee, shall cause notice of public hearings to be published in a newspaper of general circulation, no less than fifteen days prior to the date of the hearing. The notice shall state the name and address of the applicant, the location of the subject property, and a brief statement of the nature of the petition.

6.2 Continued Hearings. The Commission may continue a hearing without further notices being published.

Article VII. Procedures on Hearings

7.1 Open Meetings Act. All hearings on petitions shall be subject to the Illinois Open Meetings Act (5 ILCS 120/1 et seq.).

7.2 Petitioner Appearance. At a public hearing, a petitioner may appear on his or her own behalf or may be represented by an attorney.

7.3 City Participation. The City of Elgin shall be a party in every proceeding, and need not appear.

7.4 Priority of Business and Questions of Order. The chairperson shall decide all questions of priority of business without debate and shall decide all other questions of order.

7.5 Order and Decorum. The chairperson shall preserve order and decorum.

7.6 Chairperson's Rulings. Rulings of the chairperson may be overruled by a majority of the Commission present.

7.7 Testimony Under Oath. All persons offering testimony at a public hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if he or she is summarizing testimony of petitioners or addressing the Commission.

7.8 Testimony by Others. In addition to the petitioner, any person may appear and present testimony at the public hearing.

7.9 Registration of Public Participants. Anyone wishing to testify during a public hearing conducted by the Commission must first register with the Commission at the public hearing.

7.10 Registration Sheet. A registration sheet shall be available for public comment by persons:
7.10.1 Testifying in favor of the proposal. Each person shall have three minutes to present his or her testimony during the public hearing.

7.10.2 Testifying against the proposal. Each person shall have three minutes to present his or her testimony during the public hearing.

7.10.3 Testifying neither in favor or against the proposal. Each person shall have three minutes to present his or her testimony during the public hearing.

7.11 Limitations on Evidence or Testimony. The Commission's chairperson may impose reasonable limitations on evidence or testimony presented by persons and parties such as time limits and barring repetitious, irrelevant or immaterial testimony. Time limits, if imposed, shall be fair and equally administered. The Commission shall not be bound by strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence shall not be admissible.

7.11.1 Chairperson's rulings. The chairperson shall rule on all questions relating to the admissibility of evidence or procedure. A majority of the Commission present may overrule the chairperson.

7.11.2 Imposing reasonable conditions on hearing process. The chairperson may impose reasonable conditions on the hearing process based on the following factors:

- The complexity of the issue;
- Whether the person testifying possesses special expertise;
- Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact;
- The degree to which the person's testimony relates to the factors to be considered in approving or denying the petition; and
- Such other factors appropriate for the hearing.

7.12 Pre-Hearing Consultation. The chairperson and the Commission may conduct a pre-hearing consultation (lasting approximately the first fifteen minutes of the public hearing) with the petitioner, interested parties, and all others in attendance, to discuss the conduct of the hearing and to determine the length of the proceedings. At such pre-hearing consultation, the chairperson may review with the petitioner and any interested party the nature and scope of the testimony and evidence that will be presented during the public hearing. The chairperson may require the petitioner and any interested party
to provide a list of persons testifying that will be presented during the public hearing and the estimated time necessary to present each party's testimony and evidence.

7.13 Hearing Conduct. The chairperson may take such actions as are required to maintain an orderly and civil hearing. Discourtesy or disorderly conduct shall be deemed a breach of order and such misconduct shall be dealt with as appropriate.

7.14 Proof of Notice. Proof of lawful notice shall be introduced into evidence before a public body.

7.15 Record of Proceedings. A record of proceedings shall be made as directed by the public body.

7.16 Identification of Participants. Any person participating in the public hearing shall identify him or herself for the record, giving his or her name and address, either orally or in writing, and indicating whether an attorney is representing him or her during the hearing.

7.17 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 chairperson:

- Identification of item of business.
- Statement of the chairperson or designee regarding the rules of the Public Hearing.
- Statement of the Secretary regarding the nature of the case, relief sought, and submittal of proof of notice.
- Testimony and other evidence by the petitioner.
- Commission members' examination of petitioner's testimony and other evidence.
- Testimony and other evidence by interested parties who have registered with the Commission at the commencement of the hearing.
- Report by city staff, if any.
  - The Commission Members may question staff and witnesses.
  - The petitioner and interested parties may question staff and witnesses.
- Public comment and statements.
  - May include statements in favor of the proposal, against the proposal, or
neither for nor against the proposal.

7.18.1 Commission member and city staff questioning. At any point in the proceedings, the commissioners may call upon witnesses who have not previously testified such as city staff and city consultants. The Commission members or city staff may ask questions at any time during the hearing.

Article VIII. Decisions

8.1 Deliberations. At the conclusion of an evidentiary portion of the public hearing, the Commission may, among other actions, move to deliberate on the evidence presented or continue the hearing to a date no later than thirty days following the close of the hearing, and a time and location certain.

8.2 Vote. A concurring vote of the majority of the quorum voting shall be required to make findings and recommendations regarding a petition; to forward to the city council a recommendation concerning a landmark nomination; or to affirm or reverse any determination of the Design Review Subcommittee being appealed to the Commission.

8.3 Decisions and Recommendations. All decisions and recommendations of the Commission shall be made at a public meeting by motion made and seconded, and by the secretary polling the members by a roll call vote. A written decision shall be prepared which shall include finding of fact and the Commission's recommendation or decision based upon the record. If conditions are recommended or imposed, such conditions shall be included in the motion.

8.4 Reports. The Commission shall submit such written reports and records to the city council as are required by ordinance; all reports shall be signed by the chairperson and the secretary.

Article IX. Records

9.1 Records of the Commission. A file of all materials and recommendations or decisions relating to each case shall be kept by the secretary as part of the records of the Commission.

9.2 Public Record. All records of the Commission shall be of public record.
Article X. Amendment of Rules

10.1 Rule Amendments. These rules may be amended at any meeting. A minimum of five concurring votes shall be required to amend the rules.

10.2 Amendment Requirements. A proposed amendment to these rules must be presented in writing at a regular or special meeting at which the vote is taken.

The foregoing Rules are hereby adopted by the Elgin Heritage Commission of the City of Elgin on this Sixteenth day of June, 2020, and shall be applicable to all petitions heard hereafter.

s/ Chairman John Wiedmeyer

s/ Secretary and Staff Liaison