

**VILLAGE OF ALGONQUIN**  
**SPECIAL VILLAGE BOARD MEETING**  
**August 11, 2020**  
**7:30 PM**

In light of the current COVID-19 public health emergency, Governor J.B. Pritzker's Gubernatorial Disaster Proclamation, and the Village's Continuation of Proclamation of Local Disaster Emergency in response thereto, the Village President has determined that an entirely in-person meeting is not practical or prudent because of the disaster. This meeting will be held remotely and in-person, but there will be a limit of twelve (12) in-person seats available for the public in the Village Board Room at the Ganek Municipal Center (2200 Harnish Drive, Algonquin). Face coverings/masks will be required of all those entering the building. The following information is being made available to the public for the purpose of public participation in the spirit of transparency, and an open meeting process.

The complete Village Board meeting packet may be viewed online via the Village Board's link on the Village's website, [www.algonquin.org](http://www.algonquin.org). If you would like to listen and/or participate in the meeting remotely, please go to <https://algonquin.zoom.us/j/94701668674> or dial in (877)853-5257 or (888)475-4499 **webinar ID 947 0166 8674**. If you wish to submit any public comment, please contact the Deputy Village Clerk in advance of the meeting at 847-658-5609 or [meetingcomments@algonquin.org](mailto:meetingcomments@algonquin.org). You may also comment during the "**AUDIENCE PARTICIPATION**" portion of the meeting. After logging into the Zoom meeting, please raise your hand and you will be called on, if you are dialing in, dial \*9 to raise your hand. The Village will attempt to read public comments received prior to the meeting during the "**AUDIENCE PARTICIPATION**" portion of the meeting. Any comments received during the meeting, but after the "**AUDIENCE PARTICIPATION**" portion has ended, will be provided in writing to the Village Board members after the meeting.

Remote meetings will be recorded for the purpose of accurate meeting minutes

**-AGENDA-**

1. Call to Order
2. Roll Call – Establish Quorum
3. Public Comment – Audience Participation  
(see above instructions for public participation)
4. Adopt the following Resolution:
  - A. Pass and Approve a Resolution Authorizing a Binding Public Question on the November 3, 2020, General Election Ballot on the Question of Appointing the Algonquin Village Clerk
5. Adjournment

## *RESOLUTION NO. 2020-\_\_*

### ***A Resolution Authorizing a Binding Public Question on the November 3, 2020, General Election Ballot on the Question of Appointing the Algonquin Village Clerk***

**WHEREAS**, the Village of Algonquin, McHenry and Kane Counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Resolution constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

**WHEREAS**, the position of Village Clerk of the Village of Algonquin is currently an elected position; and

**WHEREAS**, among the powers and functions of a home rule municipality, the position of clerk can be changed from elected to appointed if approved by the voters, as authorized by Article VII, Section 6 of the Illinois Constitution of 1970 that provides in relevant part that “(f) ...A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law....”; and

**WHEREAS**, in *Clarke v. Village of Arlington Heights*, 57 Ill. 2d 50 (1974), the Illinois Supreme Court upheld the ability of a home rule unit of government to convert from an elected City Clerk to an appointed City Clerk where such action was undertaken with the approval of a City-wide referendum pursuant to the Illinois Constitution provisions for home rule municipal units of government; and

**WHEREAS**, pursuant to 10 ILCS 5/28-7, the Village Board may, by resolution, initiate any referendum that is required by the Illinois Constitution of 1970 with respect to the actions of the home rule community; and

**WHEREAS**, the Village Board finds and determines that, pursuant to 10 ILCS 5/28-7, the Village of Algonquin, Illinois has not initiated a referendum regarding the Village Clerk position within the past twenty-three (23) months; and

**WHEREAS**, the Village Board finds that all conditions prerequisite to the inclusion of such a referendum question on the ballot have been satisfied by the actions authorized and directed in this resolution; and

**WHEREAS**, the Village Board finds that a referendum question regarding the appointment of the Village Clerk should appear on the November 3, 2020 ballot; and

**WHEREAS**, the Village Board has concluded that it is in the best interests of the Village and for the sound administration of government in an increasingly complex and regulated environment that the Clerk position should be an appointed one rather than an elected one.

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane Counties, Illinois, as follows:

**SECTION 1:** That the following binding referendum shall be placed on the November 3, 2020, general election ballot:

Shall the Clerk of the Village of Algonquin be appointed by the Village President, with the advice and consent of the Village Board, rather than be elected?	YES
	NO

**SECTION 2:** Pursuant to 10 ILCS 5/28-5, the Village Clerk is hereby directed to certify this public question to the election authorities of Kane and McHenry Counties in a timely manner, not less than 68 days before the November 3, 2020 election (which date is Thursday, August 27, 2020) and to take such other actions as shall be necessary to ensure this public question is submitted to the voters of the Village of Algonquin for the November 3, 2020 election.

**SECTION 3:** In the event this referendum is approved by the voters of the Village of Algonquin, the Village Board shall take such action as is necessary to revise the Village code to provide for the appointment of the Village Clerk by the Village President, with the advice and consent of the Village Board, and shall include such other details as are necessary to establish the term of the appointed Village Clerk which term should coincide with the term of the Village President.

**SECTION 4:** If any section, paragraph, subdivision, clause, sentence or provision of this Resolution shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**SECTION 5:** This Resolution shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized).

Aye:  
Nay:  
Absent:  
Abstain:

APPROVED: August 11, 2020

\_\_\_\_\_  
Acting Village President Debby Sosine

(SEAL)

ATTEST: \_\_\_\_\_  
Village Clerk Gerald S. Kautz

Passed: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Published: \_\_\_\_\_

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Prepared by:

Kelly Cahill, Village Attorney  
Zukowski, Rogers, Flood & McArdle  
50 Virginia Street  
Crystal Lake, Illinois 60014

## CERTIFICATION

I, GERALD S. KAUTZ, do hereby certify that I am the duly elected and qualified Clerk of the Village of Algonquin, McHenry and Kane Counties, Illinois, and that as such Clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the President and Board of Trustees of said Village.

I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of Algonquin, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, the foregoing Resolution entitled ***A Resolution Authorizing a Binding Public Question on the November 3, 2020, General Election Ballot on the Question of Appointing the Algonquin Village Clerk***, was duly passed and approved by the President and Board of Trustees of the Village of Algonquin.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Gerald S. Kautz, Village Clerk  
Village of Algonquin,  
McHenry and Kane Counties,  
Illinois

(VILLAGE SEAL)