

BEST PRACTICES FOR PUBLIC PARTICIPATION IN VIRTUAL PUBLIC MEETINGS AND PUBLIC HEARINGS

By Stewart J. Weiss & Andrew N. Fiske

In the short interim since Governor Pritzker issued a statewide “Stay at Home” Executive Order on March 20, 2020, local governments have quickly adapted to the challenging circumstances posed by the COVID-19 pandemic. Basic governmental functions are continuing with skeleton staffs and many employees working remotely. City Councils and Village Boards have become adept with multiple video conferencing and dial-in platforms. Emergency meetings have been conducted virtually and essential public business is getting done.

The next step will be to preserve public access to the regular legislative process by facilitating remote public comment and participation in virtual meetings and hearings. Even under normal circumstances, public participation is one of the most unpredictable parts of local government meetings. The limitations of virtual meetings can exacerbate these challenges, but careful planning and execution can smooth the transition to virtual meetings and ensure compliance with the Open Meetings Act.

I. Guiding Principles for Public Participation in Virtual Meetings

Elrod Friedman offers these Best Practice Guidelines and the attached resources to facilitate public participation in meetings of City Councils, Village Boards, Plan Commissions, Zoning Boards of Appeals, and other public bodies during the ongoing COVID-19 public health emergency. Public bodies may not be able to incorporate all of the suggestions listed in these Guidelines, but we recommend that each public body follow two underlying principles as they tailor solutions to fit their needs:

1. Provide the public with multiple and redundant means of access to offer comments at public meetings and participate in public hearings; and
2. Be methodical, clear, and demonstrative in the conduct of meetings and hearings.

Accessibility is the common factor in these guiding principles for remote public participation. In the same way that local governments must reasonably accommodate persons with disabilities seeking to access public services, the Open Meetings Act and constitutional due process require that local governments accommodate a public that has been unavoidably distanced from the legislative operations of their government. The following Guidelines will help to close that gap and protect the public’s rights to participate.

II. Strategies for Providing Public Comment at a Virtual Public Meeting

A. Legal Requirements for Comment at Public Meetings

Governor Pritzker’s Executive Order 2020-07, extended on April 1, 2020 by Executive Order 2020-18, suspends the provisions of the Open Meetings Act limiting how and under what circumstances public bodies may allow remote participation in meetings by members of the corporate authorities. This cleared the way for local governments to conduct all necessary public business through either telephone or video conference. But the Executive Order did not address how public bodies should handle public comment in these virtual meetings.

The Governor’s Executive Orders *do not* suspend the public’s right to participate in public meetings by addressing comments to the public body. In 2011, Section 2.06(g) was added to the Illinois Open Meetings Act (5 ILCS 120/2.06(g)). This subsection provides that “[a]ny person *shall be permitted an opportunity to address public officials* under the rules established and recorded by the public body.” Local governments responded to this addition by adopting local rules governing when and how public comment can be made at public meetings, including (i) establishing a specific portion of the agenda during which public bodies will hear public comment, (ii) setting time limits for individual speakers, and (iii) prohibiting obscene or threatening speech. In making these rules, public bodies have generally memorialized the fact that Open Meetings Act requires only that public bodies allow members of the public to comment, but not to participate. Indeed, there is no statutory or constitutional requirement for the members of the corporate authorities to respond to comments or answer questions made during the “public comment/hear from the audience” portion of a public meeting.

Immediately after the Governor issued Executive Order 2020-07, the Illinois Attorney General issued guidance for public bodies on how to conduct virtual meetings in compliance with the Open Meetings Act and Governor Pritzker’s order. That guidance emphasizes local governments’ continuing responsibility to facilitate public access and comment:

“Public bodies are urged to *provide remote access to members of the public* and to update their websites and social media with the goal of openness and transparency during this time. Further, *public bodies should consider taking public comment by email or written submission and reading those public comments at the public meeting.*

* * *

If public bodies are convening via electronic means, such as by conference call or by web-assisted meetings, the public body *should ensure that the public has a means to both observe and comment during these meetings. This can be achieved by sharing conference call or other log-in information in the notice of the public meeting.*¹

The Attorney General’s guidance advises public bodies not only allow members of the public to provide comment in advance of a meeting and to observe meetings as they proceed,

¹ Guidance to Public Bodies on the Open Meetings Act and the Freedom of Information Act during the COVID-19 Pandemic, Illinois Attorney General, March 17, 2020. Emphasis added.

but also provide contemporaneous comment during the meeting. As the Public Access Counselor is a division within the Attorney's General's Office, the PAC will undoubtedly adopt these Guidelines in analyzing any claims regarding public participation at virtual meetings.

B. Adopt Supplemental Rules to Facilitate Virtual Public Access and Comment

An important first step in adapting the way a public body takes public comment is to adopt emergency rules for public comment during virtual meetings. As with the public bodies' existing procedural rules, the corporate authorities should take official action to adopt the emergency rules, preferably by resolution. The resolution should clearly define each of the following:

- how members of the public can submit comment (such as via email, online form, or participation in the meeting teleconference);
- whether the public body will require commenters to pre-register to directly participate in the virtual meeting during public comment time;
- any constraints on the length or content of the comments (such as a maximum word count, barring obscene or threatening speech);
- when the public comment portion of the meeting will take place (such as at the beginning or end of the meeting, or after each substantive topic); and
- how it will convey public comment to the members of the public body (such as being read out loud by a staff member, or sent to members of the public body in written format).

Further, the emergency rules should affirm that they apply to all subsidiary bodies of the local government, including all boards and commissions, and will remain in effect for the duration of the Governor's Executive Orders. We have created a form resolution adopting emergency public comment rules, a copy of which is attached as **Appendix A**. If you have questions or concerns, we encourage you to work with your Elrod Friedman attorney to tailor these rules to your local procedures and capabilities.

C. Identify Available Channels for Taking Public Comment

Public bodies should endeavor to provide as many avenues for public comment as practicable, given technological challenges and limited staff resources. The Attorney General has clearly authorized taking public comment through email or written submission to be read aloud during the public comment portion of the meeting. The public body should display the email address or URL for submittal of public comments in the "chyron" (the text on the bottom of the screen) on any live broadcast of the meeting if possible.

Again, accessibility is important. Although receipt of public comment through email or online form may be the most manageable approach, local governments should consider how to accommodate specific requests from members of the public without internet access who nevertheless wish to provide public comment, as well as continuing to respond to requests for ADA accommodations.

D. Provide Advanced Notice of Public Comment Procedures in the Meeting Agenda

The posted agenda for each virtual meeting should list all of the means by which public comment will be accepted, including email addresses, links to web forms, URLs for webcasts, and/or call in numbers. The agenda should clearly identify at what point in the meeting public comment will be read/communicated to the members of the public body. Finally, the agenda should include an email or number to contact if a member of the public is seeking an alternate means to provide comment as a reasonable accommodation due to personal or technological limitations.

III. **Specific Practices for Participation at a Virtual Public Hearing**

A. Legal Requirements for Participation in Public Hearings

Public hearings implicate distinct public participation rights that differ from public meetings. The scope of public participation in hearings for zoning or subdivision relief is governed both by the zoning enabling law of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) and federal and state case law. Cases such as *Klaeren v. Village of Lisle*, 202 Ill.2d 164 (Ill. 2002), establish that interested members of the public have the right to advance notice of a public hearing, to provide testimony, to present evidence, and to cross-examine witnesses called by other parties.

Although the Attorney General's guidance on the Governor's Executive Order did not specifically mention public hearings, the Executive Order did not relieve public bodies of any of their constitutional obligations to provide due process to all participants in a public hearing.

B. Obtain Advanced Consent of Petitioners to Proceed with Virtual Hearings

Before scheduling a virtual public hearing on a zoning or subdivision petition, we recommend obtaining a written waiver from the party seeking relief (referred to herein as the "petitioner") acknowledging that the petitioner is voluntarily participating in a process that may be subject to challenge and is doing so at its own risk. This "waiver and consent" should clearly release and indemnify the local government from and against any challenges to the validity or the conduct of the hearing that may be raised. A form waiver and consent is attached as **Appendix B**.

C. Modify Public Notices and Agendas to Communicate Virtual Nature of the Hearing

All legally required forms of public notice of the hearing, including mailed, posted, and published notice, as well as the official agenda for the public meeting during which the hearing will take place, should describe all of the ways the hearing body will accept public comment, including email addresses, links to web forms, URLs for webcasts, and/or call in numbers. A form public notice is attached as **Appendix C**. The agenda should also include an email or telephone number the public can use to contact staff to request an alternate means to participate as a reasonable accommodation due to personal or technological limitations.

For controversial petitions or projects that are likely to generate a great deal of public interest, local governments may consider setting up project-specific email notice lists for members

of the public with a specific interest in the docket. These “interested parties” could subscribe to the list to ensure that they receive regular updates whenever the hearing body posts agenda packets, schedules continued hearings, and other significant updates. Although not required by law, establishing regular lines of communication with interested parties may head off claims that objectors did not receive sufficient due process.

Although some hearing bodies are accustomed to conducting and completing public hearings on zoning and subdivision matters in one meeting, we strongly advise allotting time for virtual public hearings to be continued to a second meeting. This will allow members of the hearing body, the petitioner, as well as other interested parties (including the general public) to absorb the evidence and testimony presented and to respond to questions that may arise during the hearing.

D. Implement Pre-Hearing Preparations for Virtual Meetings

Zoning and subdivision hearings often involve complex, detail-oriented discussions that reference a wide range of technical studies, engineering and architectural plans, and disputed interpretations of code provisions. Conducting these hearings virtually increases the likelihood that some participants may miss small details of evidence or nuances in testimony. Requiring the submittal of petition materials earlier than normal will allow staff to post agenda packets further in advance and provide members of the public more time to review petitioners’ submissions before the hearing. All agenda materials should be clearly titled and paginated to ensure that all participants can follow the proceedings. Petitioners should provide a roster of persons and witnesses who will or may be providing testimony in advance of the hearing.

Local governments can also strongly encourage interested parties who desire to provide testimony/evidence, ask the hearing body questions, or cross-examine petitioner’s witnesses to pre-register with the City or Village Clerk a reasonable amount of time before the hearing. Pre-registration is not intended to limit the number of people participating in the hearing, but rather to allow municipal staff time to provide interested parties with the means to participate through telephone or video conference and obtain any written materials from the interested parties to circulate to the hearing body in advance. Requiring interested parties to pre-register without exception risks a due process challenge, but not being able to accommodate interested parties due to avoidable technical issues does as well. Therefore, we recommend that municipalities maintain as much flexibility as practicable. Pre-registered interested parties should also be strongly encouraged to submit any written materials in advance of the hearing for public posting and review.

E. Identify Best Available Channels for Public Participation in a Hearing

Hearing bodies must take care to provide an effective means to receive comment and evidence in public hearings. Non-petitioner participants in public hearings, including objectors and other interested parties, have due process rights that go well beyond the simple “opportunity to address” granted by the Open Meetings Act. Due process requires that interested parties have the opportunity to provide testimony, submit documentary evidence, and ask questions not only of the hearing body, but also to cross-examine the petitioner and its witnesses. These due process

rights remain even if a hearing proceeds virtually, and require a public body to provide a much greater level of access to – and interplay with – interested parties in a hearing.

Interested parties must be allowed (i) to participate contemporaneously and (ii) to ask questions and receive answers. This may require giving an interested party direct access to the hearing body's telephone or video conference. Public bodies should prepare to reasonably accommodate the participation of a person who does not have internet access if requested.

We recognize that providing a public participant access to a telephone or video conference risks disruptive or inappropriate behavior (see "Zoom-Bombing and Disruptive Participants" section below). However, hearing bodies can mitigate this risk by giving a staff member (as opposed to the chair of the meeting), administrative rights to mute or disconnect public participants. This "digital sergeant-at-arms" can focus on organizing public participants while the chair concentrates on running the meeting.

F. Running the Hearing – An Order of Proceedings

We advise that hearing bodies use the following outline as a roadmap for conducting virtual public hearings on zoning and subdivision matters. It may require tailoring or re-ordering for the specific processes of each hearing body, but if followed, will address many of the due process concerns identified in this section:

1. Call to Order: Chair calls meeting to order and provides introductory remarks.
 - a. Explanation of legal authority to conduct virtual meeting and hearing to be read by chair or municipal attorney.
 - b. Chair reads off items on meeting agenda.
 - c. Chair explains how members of the public can participate in hearing.
 - d. Rules of Procedure: Chair should explain that the virtual setting of the hearing requires additional formality and adherence to procedural rules, including that:
 - i. No person will be allowed to speak unless they are first recognized by the Chair.
 - ii. Speakers should identify themselves before speaking.
 - iii. All votes, even procedural votes, will be by roll-call.
 - e. Chair asks that all participants referring to documents or plans include clear references to title and page of document or plan.
2. Opening Public Hearing: Chair opens public hearing on first docket.
 - a. Chair introduces docket by reciting the relief requested and identifying the petitioner.
3. *[If applicable, Staff gives a presentation on docket and takes questions from the members of the hearing body]*
4. Petitioner's Presentation
 - a. Require petitioner to introduce all witnesses who will testify and identify them by their name and company/group affiliation.
 - b. Chair swears in petitioner and witnesses.

- c. Chair confirms and accepts petitioner's written waiver and consent to proceed with virtual hearing.
- d. Chair identifies petitioner's application submissions as evidence by (i) title and (ii) latest revision date and asks if petitioner has any additional materials to submit.
- e. Chair identifies any new evidentiary materials by (i) title and (ii) latest revision date.
- f. Petitioner presents application
 - i. Graphic presentations should be clearly displayed so persons watching livestream/television broadcast can read and understand materials presented.
 - ii. References to petitioner's documents must include document titles and page numbers so virtual attendees can readily follow the discussion.
 - iii. Petitioner must leave time for any cross examination of its witnesses from interested parties who pre-registered; this could be after each witness or at the end of all witness testimony.
 - iv. After petitioner's last witness and completion of any cross-examination, Chair should confirm with petitioner that it encountered no technical difficulties that negatively impacted petitioner's ability to present its desired evidence. Petitioner should be granted the opportunity to request a continuance at this point to address any technical difficulties (but public comment portion should still proceed).

5. Questioning of Petitioner by Members of the Hearing Body

6. Public Comment Period

- a. Chair states that public comment period will begin with written comments submitted in advance of hearing. Comments to be read aloud and entered into the record.
- b. Chair identifies persons who have pre-registered to provide contemporaneous comment, testimony and evidence, or conduct cross examination and determine if they are participating either telephonically or via video conference. Chair will set an order for pre-registered members of the public to speak.
- c. Chair calls on members seeking to participate and have their lines/accounts unmuted. Chair will swear in each person seeking to speak.
- d. Chair states that additional public comment received prior to the adjournment of the hearing will be incorporated into the hearing record but not read aloud, unless public comment portion is subsequently reopened by the hearing body.
- e. Chair closes public comment portion of the hearing and proceeds to deliberation of the Members

7. Members Deliberate and Discuss Petition

- a. Chair should be flexible in reopening public comment during deliberation if there was any evidence or comment received in a delayed manner or otherwise impacted by technological issues related to the virtual conduct of the meeting
- b. Prior to vote, Chair may consider providing Petitioner with a final opportunity to request a continuance to provide additional information that was precluded from being presented virtually for any technological reason.
- c. For due process reasons, the Chair may likewise consider a continuance to ensure that the public and any interested parties have had a fair and reasonable opportunity to participate in the public hearing.

8. Members Vote on Recommendation.

- a. Motions should be clearly stated, recognized by the chair, clearly seconded, and voted on by roll-call.
- b. The Chair should announce the result of the vote and explain the next steps in the approval process (e.g. hearing body's recommendation is forwarded on to the corporate authorities).

IV. “Zoom Bombing” and Disruptive Participants.

As public and private meetings have migrated on-line, news reports have emerged of random people joining public Zoom conferences and posting hateful or otherwise disruptive images and comments. Although public meetings are always vulnerable to disturbances by angry or disgruntled attendees, the barriers to enter and disrupt a virtual public meeting are distressingly low. Anonymous participants can take advantage of officials' unfamiliarity with conferencing platforms to hijack discussions and public broadcasts. Below are some tips to address and prevent disruptive participants:

A. Designate a “Virtual Sergeant at Arms”: Task a municipal staff member to serve as the administrator of the telephone or video call. That staff member should be well versed in the conferencing platform's tools for muting and un-muting participants, and, if available, dropping participants from the conference. The Chair of the meeting should not serve this role – the Chair should remain free to manage the regular business of the meeting without the distraction of software controls.

B. Limit Access to Virtual Meetings and Hearings to Persons who Pre-Register: If a local government decides to allow members of the public to participate in telephone or video conferences, only provide log-in credentials to persons who register before the meeting. Do not post call-in or log-in credentials online or share credentials via social media. Some conferencing platforms provide a “waiting room” feature that allows an administrator/moderator to vet participants before granting them access to the main meeting – use this type of feature if available.

C. Limit Screen Sharing Options. Platforms like Zoom include options that allow participants to share the contents of their screen. Needless to say, limit use of this option only to select participants who will provide necessary content for the meeting.

Appendix A - Form Resolution Adopting Rules for Public Comment in Virtual Meetings

**[CITY/VILLAGE] OF [INSERT]
RESOLUTION NO.**

**A RESOLUTION ADOPTING A SUPPLEMENTAL RULE CONCERNING PUBLIC
COMMENTS DURING VIRTUAL MEETINGS OF THE [CITY/VILLAGE] COUNCIL/BOARD]
AND OTHER [CITY/VILLAGE] BOARDS, COMMISSIONS, AND COMMITTEES**

WHEREAS, Section 2.06(g) of the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* (“**Act**”), requires the **[City/Village]** to allow any member of the public to address the **[City/Village][Council/Board]**, and other “public bodies” (as that term is defined in the Act), at public meetings, in accordance with rules to be adopted by the public bodies; and

WHEREAS, the **[City/Village]** has previously adopted rules for public comment for all **[City/Village]** public bodies, in accordance with Section 2.06(g) of the Act; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois (“**Governor**”) declared a State of Emergency related to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order No. 2020-07, suspending certain provisions of the Act concerning in-person attendance by members of the public body at public meetings, which executive order was extended on April 1, 2020, pursuant to Executive Order 2020-18 (collectively, the “**Executive Order**”); and

WHEREAS, in accordance with Section 2.06(g) of the Act, and in order to preserve the public right to address the **[City/Village][Council/Board]** and other **[City/Village]** public bodies during the duration of the Executive Order and otherwise at virtual public meetings of the **[City/Village][Council/Board]** and other public bodies that are conducted by telephonic and video conferencing platforms, the **[City/Village][Council/Board]** desires to adopt a supplemental rule for public comment at such virtual meetings (“**Supplemental Rule**”); and

WHEREAS, the **[City/Village][Council/Board]** has determined that it will serve and be in the best interest of the **[City/Village]** and its residents to adopt the supplemental Rule;

**NOW, THEREFORE, BE IT RESOLVED BY THE [CITY/VILLAGE] COUNCIL/BOARD]
OF [NAME], [COOK/LAKE] COUNTY, ILLINOIS**, as follows:

SECTION ONE: **RECITALS.** The foregoing recitals are incorporated into, and made a part of, this Resolution as findings of the **[City/Village][Council/Board]**

SECTION TWO: **ADOPTION OF SUPPLEMENTAL RULE.** In accordance with Section 2.06(g) of the Act and the Executive Order, the **[City/Village][Council/Board]** hereby adopts the following Supplemental Rule for public comments at virtual public meetings of the **[City/Village][Council/Board]** and all subsidiary **[City/Village]** boards, committees, and commissions that are conducted by telephonic and video conferencing platforms:

“For all meetings of the **[City/Village][Council/Board]** or any subsidiary board, committee, or commission of the **[City/Village]** conducted through virtual means (i.e. by telephone and/or online), pursuant to Executive Order of the Governor of the State of Illinois, members of the public may address the public body by sending the **[City/Village]** Clerk (or other **[City/Village]** representative designated in the agenda posted for such meeting) a written statement to be read aloud at the meeting. In order for a written statement to be read as a public comment at a virtual meeting, the statement must be:

- (1) Typed or written legibly;
- (2) No more than **[200 words]** in length;
- (3) Free of any abusive or obscene language; and
- (4) Received by the **[City/Village]** Clerk or designated representative at the e-mail address set forth in the agenda posted for such meeting, **[prior to the commencement of such meeting] [prior to the conclusion of such meeting]**.

Statements that do not adhere to the requirements for virtual public comments will not be read at the public meeting, with timely notice of the basis of that decision to the commenter.

The **[City/Village]** Clerk or designated representative will compile all properly submitted virtual public comments, and when directed to do so by the **[Mayor/President]** or presiding officer of the meeting, read each comment aloud before the public body, to include the commenters name and address, if provided.”

[ALTERNATE/SUPPLEMENTAL LANGUAGE FOR DIRECT PARTICIPATION BY PUBLIC: To be added if municipality has capability and desire to allow members of the public to join virtual meetings temporarily

“For all meetings of the **[City/Village][Council/Board]** or any subsidiary board, committee, or commission of the **[City/Village]** conducted through virtual means (i.e. by telephone and/or online), pursuant to Executive Order of the Governor of the State of Illinois, members of the public may address the public body by requesting to participate directly in a virtual meeting during the designated public comment time via telephone or virtual means. Members of the public seeking to participate directly must send a request to participate to the **[City/Village]** Clerk (or other **[City/Village]** representative designated in the agenda posted for such meeting) no less than **[48 hours]** before the commencement of the virtual meeting. The member of the public will be provided with information regarding how to call in or log in to the virtual meeting.

Direct participation by members of the public in a virtual meeting is be subject to the following restrictions:

- (1) Public participants will only be allowed to speak during the designated [**Public Comment/Hear from the Audience**] portion of the virtual meeting;
- (2) Public participants' lines will be muted until they are recognized by the Chair;
- (3) Public participants must keep their comments to less than [**3 minutes**];
- (4) Abusive or obscene comments will be prohibited and grounds for the public participant to be removed from the virtual meeting.]

The Supplemental Rule adopted pursuant to this Section Two is a supplement to, and not a replacement or modification of, any other rule adopted by the [**City/Village**] [**Council/Board**] or any subsidiary board, committee, or commission concerning public comment at public meetings. To the extent that the Supplemental Rule conflicts with any other rule of the City Council, the Supplemental Rule will control until such time as the emergency that necessitated virtual meetings has ended. The Supplemental Rule hereby applies to all subsidiary boards, committees, and commissions unless and until such boards, committees, and commissions adopt their own rules for public comment at virtual meetings in accordance with Section 2.06(g) of the Act.

SECTION THREE: **EFFECTIVE DATE.** This Resolution will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

Appendix B – Form Waiver and Consent for Petitioner

**PETITIONER’S UNCONDITIONAL AGREEMENT AND CONSENT TO CONDUCT OF
VIRTUAL PUBLIC HEARINGS**

[DOCKET NUMBER & ADDRESS]

TO: [Name of Municipality], Illinois (“City/Village”)

WHEREAS, on March 9, 2020, the Governor of the State of Illinois (“**Governor**”) declared a State of Emergency related to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order No. 2020-07, suspending certain provisions of the Act concerning in-person attendance by members of the public body at public meetings, which executive order was extended on April 1, 2020, pursuant to Executive Order 2020-18 (collectively, the “**Executive Order**”); and

WHEREAS, during the pendency of the State of Emergency declared by the Governor, all public bodies of the [City/Village] will be conducting business via virtual meetings utilizing telephonic and video conferencing platforms (“**Virtual Meetings**”); and

WHEREAS, [Name of Petitioner] (“**Petitioner**”) has requested that the [City/Village] grant Petitioner certain relief under the [Zoning Ordinance/Subdivision Regulations] of the [City/Village] for the property commonly known as [Subject Property Address] (“**Subject Property**”), including, specifically:

[Description of relief requested by petitioner]

(collectively, the “**Requested Relief**”); and

WHEREAS, the [City/Village]’s [Zoning Ordinance/Subdivision Regulations] requires a public hearing before its [Name of Hearing Body] before the Requested Relief is granted (“**Public Hearing**”); and

WHEREAS, the Petitioner has indicated its desire to proceed with its petition for the Requested Relief by conducting the Public Hearing during a Virtual Meeting of the [Name of the Hearing Body]; and

NOW, THEREFORE, the Petitioner does hereby agree and covenant as follows:

1. Petitioner shall and does hereby unconditionally agree and consent to proceed with the lawfully required public hearing on Docket No. [Insert Number] to grant the Requested Relief to the Petitioner for the Subject Property at a Virtual Meeting of the [Name of Hearing Body]; and

3. Petitioner acknowledges that the decision to proceed with Docket No. **[Insert Number]** and to conduct the public hearing via a Virtual Meeting is made entirely at the Petitioner's discretion and that it shall bear the entirety of the risk from proceeding in this manner; and

4. Petitioner agrees not to challenge the sufficiency of the Public Hearing on the grounds that it was conducted during a Virtual Meeting or assert any procedural infirmity or any denial of any procedural right on said grounds.

4. Petitioner agrees to and does hereby hold harmless and indemnify the **[City/Village]**, the **[City/Village]**'s corporate authorities, and all **[City/Village]** elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the procedures followed in connection with the conduct of the Public Hearing during a Virtual Meeting.

5. Petitioner shall, and does hereby agree to, pay all expenses incurred by the **[City/Village]** in defending itself with regard to any and all of the claims mentioned in this Unconditional Consent and Agreement. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the **[City/Village]**.

ATTEST:

PETITIONER

By: _____
Signature

By: _____
Signature

By: _____
Print

By: _____
Print

Its: _____

Its: _____

SUBSCRIBED and **SWORN** to
before me this _____ day of
_____, 2020.

Notary Public

Appendix C Form Public Notice of Virtual Public Hearing

NOTICE OF [HEARING BODY] PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the [Hearing Body] on [Date and Time] p.m. for the purpose of considering the following:

**DOCKET NO. [NUMBER]
[COMMON ADDRESS]**

Application by [Name of Applicant] (the "*Petitioner*") as owner of the properties commonly known as [Address] (the "*Subject Property*") for the purposes of considering approval of a [Description of Requested Relief].

[Legal Description and PIN of Subject Property]

[Detailed description of relief requested from Zoning Ordinance or Subdivision Regulations]

The public hearing on this docket will be conducted virtually through either telephone or video conference call and will not be held at Village Hall, pursuant Gov. Pritzker's Executive Orders 2020-07 and 2020-18.

SPECIAL NOTICE

Consistent with Governor Pritzker's April 1, 2020, Executive Order declaring a State of Emergency related to the Coronavirus (Covid-19), in person meetings and hearings will NOT be conducted in the [Normal Physical Location of Meetings/Hearings]. The entirety of the meeting will be conducted virtually via [telephone conference/online web conferencing system]. See meeting details at [Insert URL providing log in information]. The agenda and materials for this meeting will be posted no later than the end of the day the [Friday] before the meeting on the following web page – [Insert URL]

Written comments testimony and comments can be emailed to [Insert email address] or mailed to the [Department Contact Address] prior to the meeting. Please limit written testimony and comments to [200 words]. Written comments received prior to the meeting will can be read at the hearing by staff if requested aloud during the meeting.

Verbal live commenting via the online web conferencing system is also available, but for technical reasons written comments are strongly preferred.

Persons seeking additional information concerning the application, accessing the virtual meetings, or requesting alternative means to provide testimony or public comment are directed to email Further inquiries can be emailed to [Insert phone number and/or email address].

The [City/Village], in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting facilities, contact the [City/Village] ADA Coordinator at [Insert phone number and/or email address]