



DATE: August 28, 2020

MEMO TO: Bill Durkin, Chair
Rules Committee

FROM: Alex Ty Kovach
Executive Director

REQUEST: Provide policy direction concerning the conduct of audio and video meetings of the Board of Commissioners of the Lake County Forest Preserve District and meetings of the Committees of the Board.

STRATEGIC DIRECTION SUPPORTED: None

FINANCIAL DATA: No effect.

BACKGROUND: The District's Rules of Order and Operational Procedures (the "Rules") govern, among other matters, the conduct of the public meetings of the District Board and its Committees. On May 23, 2020, the Illinois General Assembly passed Senate Bill 2135, which added Section 7(e) to the Open Meetings Act. Section 7(e) allows public meetings of the Board and Committees to be conducted by audio or video conference, without the physical presence of Commissioners ("Remote Meetings") if (i) the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration relating to public health concerns and the declaration covers all or part of Lake County and (ii) the District President determines that an in-person meeting is not practical or prudent because of the disaster.

Section 7(e) imposes other requirements for the conduct of Remote Meetings, including:

- (i) "all members of the body participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony,"
- (ii) open meetings conducted remotely must be done so "in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes," and
- (iii) "all votes are conducted by roll call vote, so each member's vote on each issue can be identified and recorded."

Each board member participating in a Remote Meeting that meets the requirements of Section 7(e) is deemed present for purposes of establishing a quorum and participating in all aspects of the Remote Meeting.

To ensure compliance with Section 7(e) of the Open Meetings Act, including the requirements above, staff recommends that that Rules be amended to specify the manner in which Commissioners will "be verified" during a Remote Meeting. In furtherance, staff seeks the Committee's direction on the

questions set forth below. After the Committee's direction, staff will prepare proposed amendments to the Rules and present those to the Committee at a future meeting. The list below is not intended to preclude other issues related to Remote Meetings that the Committee desires to discuss or that arise at the Committee's meeting.

1. How should a Commissioner attending a Remote Meeting via video conference "be verified"? For example, should the Commissioner participate by live video connection, and not a static screen (e.g., with only the Commissioner's name and/or photo)?
2. If a live video connection is required for a Commissioner attending a Remote Meeting via video conference, at what times must the live video connection be displayed? During the initial attendance roll call? When they are speaking? When they are voting? At all times?
3. Because of the confidentiality concerns attendant to a closed meeting, do the answers for #2 change if the Commissioner is attending a closed meeting, rather than an open meeting?
4. Is a Commissioner considered "present" for quorum purposes, while they are attending a Remote Meeting via video conference if their presence cannot be visibly verified (e.g., if they are displaying a static screen or if they have walked away from their video camera)?
5. How should a Commissioner attending a Remote Meeting via audio conference only (e.g., telephone) "be verified"? By providing to the Board or Committee Secretary, in advance of the Remote Meeting, the telephone number that they will be calling in from?

REVIEW BY OTHERS: Chief Operations Officer, Corporate Counsel