

Date: November 6, 2023

Memo To: Paras Parekh, Chair  
Rules Committee

From: Alex Ty Kovach  
Executive Director

Subject: Amended Policy for Attendance at Public Meetings by Video or Audio Conference

**RECOMMENDATION:** Recommend approval of an Ordinance approving an Amended Policy for Attendance at Public Meetings by Video or Audio Conference.

**STRATEGIC DIRECTION SUPPORTED:** Leadership

**FINANCIAL DATA:** No financial impact

**BACKGROUND:** As provided in the Downstate Forest Preserve District Act, the District has the power to adopt rules and regulations for the conduct of its business and the management of its property. The District has adopted Rules of Order and Operational Procedures that govern, among other matters, the conduct of Board meetings, the election and appointment of officers, the appointment and authority of standing committees, and the use of District property and funds (the “Rules”).

The Rules provide that a Commissioner may attend a Board or Committee meeting by electronic means, but only in accordance with the Open Meetings Act and the District’s adopted “Policy for Attendance at Public Meetings by Video or Audio Conference” (the “Electronic Attendance Policy”). The Electronic Attendance Policy currently allows (at a time when a State disaster declaration is not in effect) a Commissioner to attend a Board meeting or Committee meeting if the Commissioner is prevented from attending because of (i) personal illness or disability, (ii) District or County business, (iii) a family or other emergency, or (iv) employment purposes (including military service).

On July 28, 2023, the Illinois Open Meetings Act was amended to add “unexpected childcare obligations” to the current list of reasons that a public body member may attend a meeting remotely if a quorum of the members of the public body is physically present and the public body has met the other statutory requirements, including the adoption of a remote attendance policy. Staff recommends that the District adopt a corresponding amendment to the Electronic Attendance Policy to allow a Commissioner to attend a Committee or Board meeting via audio or video means in the event of unexpected childcare obligations.

In addition, staff recommends amending the Electronic Attendance Policy to allow Commissioners to provide notice of their request to attend via audio or video means through a method other than the specific Exhibit that is attached to the Electronic Attendance Policy. This will allow Commissioners flexibility, while still requiring that the Commissioners provide the information that is required for staff and the Board or a Committee (as the case may be) to determine whether the Commissioner’s request complies with the Open Meetings Act and the Electronic Attendance Policy.

**REVIEW BY OTHERS:** Manager of Board Operations; Corporate Counsel

STATE OF ILLINOIS)  
  ) SS  
COUNTY OF LAKE )

**BOARD OF COMMISSIONERS  
LAKE COUNTY FOREST PRESERVE DISTRICT  
REGULAR NOVEMBER BOARD MEETING  
NOVEMBER 15, 2023**

**MISTER PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:**

Your **RULES COMMITTEE** presents herewith "An Ordinance Approving an Amended Policy for Attendance at Public Meetings by Video or Audio Conference," and requests its approval.

**RULES COMMITTEE:**

Date: \_\_\_\_\_  Roll Call Vote: Ayes: \_\_\_\_ Nays: \_\_\_\_\_  
 Voice Vote Majority Ayes; Nays: \_\_\_\_\_

**LAKE COUNTY FOREST PRESERVE DISTRICT  
LAKE COUNTY, ILLINOIS**

**AN ORDINANCE APPROVING AN AMENDED POLICY FOR ATTENDANCE  
AT PUBLIC MEETINGS BY VIDEO OR AUDIO CONFERENCE**

**WHEREAS**, the Lake County Forest Preserve District (the “District”) is authorized by Section 8 of the Downstate Forest Preserve District Act to adopt all necessary ordinances, rules, and regulations for the management of its property and the conduct of its business, 70 ILCS 805/8, and pursuant to such authority the District has adopted Rules of Order and Operational Procedures regarding District Board meetings, committees, finances, property, and other matters; and

**WHEREAS**, the District’s Rules of Order and Operations Procedures provide that Commissioners may attend Board and Committee meetings by electronic means, but only in accordance with the Open Meetings Act, 5 ILCS 120/1, et seq. (the “Open Meetings Act”), and the District’s adopted “Policy for Attendance at Public Meetings by Video or Audio Conference” (the “Electronic Attendance Policy”); and

**WHEREAS**, on July 28, 2023, the Open Meetings Act was amended to add “unexpected childcare obligations” to the list of reasons that a public body member may attend a meeting remotely via audio or video means, if a quorum of the members of the public body is physically present and the public body has met other statutory requirements; and

**WHEREAS**, it is in the best interests of the District to amend the Electronic Attendance Policy to (i) allow a Commissioner to (i) attend a Committee or Board meeting via audio or video means in the event of unexpected childcare obligations and (ii) provide greater flexibility for the means by which a Commissioner provides written notice of their request to attend via audio or video means;

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois, THAT:

**Section 1: Recitals.** The recitals set forth above are incorporated as a part of this Ordinance by this reference.

**Section 2: Approval of Amended Electronic Attendance Policy.** The amended Electronic Attendance Policy attached hereto is hereby (i) incorporated into this Ordinance as if fully set forth herein and (ii) approved, and shall govern the attendance, through video or audio conference, of District Commissioners at public meetings of the District’s Board of Commissioners and the District’s Committees of the Board of Commissioners.

**Section 3: Effective Date.** This Ordinance shall be effective upon its passage and approval in the manner provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023

AYES:

NAYS:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Angelo D. Kyle, President  
Lake County Forest Preserve District

ATTEST:

\_\_\_\_\_  
Julie Gragnani, Board Secretary  
Lake County Forest Preserve District

Exhibit # \_\_\_\_\_

**LAKE COUNTY FOREST PRESERVE DISTRICT**  
**POLICY FOR ATTENDANCE AT PUBLIC MEETINGS**  
**BY VIDEO OR AUDIO CONFERENCE**

**I. Background and Purpose.**

The Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* (the "Open Meetings Act"), requires that the final actions of Public Bodies be taken at open, public meetings and that their deliberations be conducted openly, except for certain limited circumstances that permit closed meetings. This Policy adopts certain rules and procedures for attendance, via video or audio conference, at public meetings by members of boards, committees, and bodies of the Lake County Forest Preserve District ("District") consistent with the Open Meetings Act.

**II. Definitions.**

**"Disaster Declaration"** shall mean a disaster declaration that (i) was issued by the Governor of the State of Illinois or the Director of the Illinois Department of Public Health, (ii) is related to public health concerns because of a disaster, as defined in Section 4 of the Emergency Management Act, (iii) covers all or part of Lake County, and (iv) pertains to a disaster that, as determined by the District President in writing, renders an in-person District public meeting or a District public meeting conducted in accordance with the in-person requirements of the Open Meetings Act impractical or imprudent.

**"Electronic Attendance"** or **"Attend Electronically"** shall mean the attendance at, or the act of attending, a meeting of a Public Body by a member of that Public Body by video conference, audio conference, or a combination of video conference and audio conference, rather than in-person attendance at the meeting's physical location.

**"Emergency Management Act"** shall mean the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.*

**"Public Body"** shall mean the District Board of Commissioners, all standing and special committees of the Board of Commissioners, and any other subsidiary boards, commissions, or bodies of the District that are subject to the Open Meetings Act.

**"Qualified Location"** shall mean one of the following locations: the County Building (18 North County Street, Waukegan, Illinois), the District General Offices (1899 West Winchester Road, Libertyville, Illinois), the County Central Permit Facility (500 West Winchester Road, Libertyville, Illinois), and the County Division of Transportation Office (600 West Winchester Road, Libertyville, Illinois).

**III. Meeting Held When a Disaster Declaration is Effective.**

If a Disaster Declaration is in effect, then a member of a Public Body is allowed to Attend Electronically, in accordance with this Policy, any meeting of that Public Body that occurs while the Disaster Declaration is in effect.

**IV. Meeting Held When a Disaster Declaration is Not Effective.**

A. Member Qualifications for Electronic Attendance.

When no Disaster Declaration is in effect, a member of a Public Body may Attend Electronically the open portion of a meeting of that Public Body if (i) the meeting is held at a Qualified Location, (ii) a quorum of the Public Body is physically present for the meeting at the Qualified Location at which the meeting is being held, (iii) the member provides the notice required by Section IV.B.1. below, and (iv) the member is physically prevented from attending the meeting by:

- (1) personal illness or disability;
- (2) the business of the Public Body or of the County of Lake;
- (3) a family or other emergency;
- (4) employment purposes (including military service); or
- (5) unexpected childcare obligations.

B. Procedures for Authorizing Electronic Attendance.

The following procedures are required before a member of a Public Body is authorized to Attend Electronically a meeting of that Public Body held when a Disaster Declaration is not in effect:

1. Notice to the Secretary. The member must notify the District Secretary in writing at least 24 hours prior to the meeting that the member desires to Attend Electronically, unless such notice is impractical. The notice shall identify (i) the meeting(s) that the member wants to Attend Electronically, including the Public Body that is holding the meeting and the date(s) of the meeting(s) and (ii) the reason that the member is physically prevented from attending such meeting(s), which must be one or more of the reasons listed in Section IV.A. To provide such notice, a member may use ~~be substantially in~~ the form attached to this Policy as Exhibit 1. ~~and shall identify the reason the member cannot be physically present at the meeting in accordance with Section IV.A of this Policy.~~ If it is impractical for the member to give the required written notice 24 hours prior to the meeting, the member shall provide notice to the District Secretary as soon as, and by such means as is, practical.

2. Determination of Authorization of Electronic Attendance. Upon receipt of notice in accordance with Subsection IV.B.1., the District Secretary shall promptly forward the notice to the presiding officer of the Public Body. After establishing that a quorum of the Public Body is physically present at the meeting at which a member has requested to Attend Electronically, the presiding officer shall state that a notice was received by a member of the Public Body in accordance with this Policy. The member will be authorized to Attend Electronically unless the Public Body determines by motion that the notice does not comply with Section IV.A or Section IV.B.1. of this Policy. If no such motion is made and adopted, the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question whether a member can attend by Electronic Attendance may not be reconsidered.

V. Special Rules for Meetings Involving Electronic Attendance.

A meeting of a Public Body at which any member is authorized to Attend Electronically in accordance with Section III or Section IV of this Policy must be conducted in accordance with the following special rules, in addition to any other applicable rules and procedures of the Public Body:

A. Audio or Video Attendance. Electronic Attendance of a meeting shall be via an audio or video technology selected by the Executive Director, which shall be either (i) a combination audio or video technology or (ii) a telephone connection.

B. Public Access to Meeting. The video and audio transmission of the discussions and votes of Public Body members Attending Electronically, and the comments and testimony of members of the public, shall be projected and amplified so they are visible and audible to members of the Public Body and the public who are present at the meeting physically or remotely.

C. Roll Call Votes. If a Public Body's meeting is held when a Disaster Declaration is in effect and if the requirements of Section IV.A. have not been satisfied (including the requirement that a quorum of the Public Body be physically present at a Qualified Location), then all votes during such meeting shall be conducted by roll call.

D. Verification of Member Participation. To verify their Electronic Attendance and participation in the Public Body's meeting:

- (1) each member of a Public Body attending a meeting via a combination audio/video technology, shall
  - a. at all times during the meeting, project via video, in a manner visible to the public, their written first and last names and
  - b. participate in the meeting via a live video transmission so that the member (and not merely their name or photograph) is visible to the public, at all times when
    - i. the member answers the attendance roll call,
    - ii. the member is speaking,
    - iii. the member is voting, or
    - iv. the meeting is in closed session (if closed session participation is allowed pursuant to Section IV.E.) and
- (2) each member of a Public Body attending a meeting via telephone only shall provide their telephone number to the District Secretary and presiding officer of the Public Body in advance of the meeting and the presiding officer (after verifying the telephone number being used by the meeting participant belongs to the member) the shall announce during the meeting that the member is participating via telephone.

If any question arises as to whether a Public Body member is in attendance at a meeting, is part of a quorum of the Public Body, is participating in the meeting, or has voted, the question will be determined by the presiding officer of the Public Body.

E. Closed Session Participation. A member may not Attend Electronically the closed session of a meeting held when a Disaster Declaration is not effective. A member may Attend Electronically the closed session of a meeting held when a Disaster Declaration is effective, but the member (i) must be physically located within a room or other confined space in which no other person is present and (ii) participate in the closed session via a live video transmission so that

the member (and not merely their name or photograph) is visible to the other Public Body members during the entire closed session.

F. Minutes. The minutes of each meeting of a Public Body shall identify (i) which members of the Public Body were physically present, (ii) which members of the Public Body participated by Electronic Attendance, (iii) the reason for each member's Electronic Attendance, (iv) whether there was a sustained objection to any Electronic Attendance pursuant to this Policy, and (v) the electronic means by which each member attended the meeting.

G. In-Person Chair Required. During a meeting held when no Disaster Declaration is in effect, the member chairing the meeting must be physically present at the Qualified Location at which the meeting is being held.

#### **VI. Effect of Electronic Attendance.**

A member attending a meeting of a Public Body by Electronic Attendance shall be considered present at the meeting, including for purposes of determining a quorum, and entitled to vote on any matter before the Public Body and otherwise participate in the meeting as if the member were physically present at the meeting, so long as the member's Electronic Attendance at the meeting complies with the Open Meetings Act and the terms of this Policy. If a member attending by Electronic Attendance leaves the meeting (temporarily or permanently) they shall first notify the Presiding Officer.

#### **VII. Additional Authority During Disaster Declaration.**

If, on or following the most recent date upon which this Policy has been amended, (i) a Disaster Declaration is in effect and (ii) the ability of a Public Body member to Attend Electronically a meeting of that Public Body has been expanded by either (a) an amendment to the Open Meetings Act, the Emergency Management Act, or other state statute, (b) a new statute, or (c) an executive order issued by the Governor of Illinois, then a member of a Public Body may attend meetings of the Public Body to the full extent allowed by such amendment, new statute, or executive order, notwithstanding any provision of this Policy that might otherwise restrict such attendance or the conduct of public business by a Public Body.

Adopted: 5/8/2007

Amended: 1/11/2011

Amended: 1/13/2015

Amended: 4/7/2020

Amended : 12/15/2020

Amended: 12/13/2022

Amended: 11/15/2023



Appendix A  
Form of Notice

In accordance with Subsection IV.A of the Lake County Forest Preserve District's "Electronic Attendance at Meetings Policy," I, \_\_\_\_\_, am submitting this notice evidencing my desire to Attend Electronically the \_\_\_\_\_, 20\_\_\_\_, meeting of the \_\_\_\_\_ [insert name of Public Body holding meeting, e.g., "Board of Commissioners," "Finance and Administrative Committee"]. I am physically prevented from attending that meeting due to one or more of the following circumstances:

- Personal illness or disability.
- Business of the Public Body or the County of Lake.
- A family or other emergency.
- Employment purposes (including military service).
- Unexpected childcare obligations.

Date: \_\_\_\_\_

Signature:

\_\_\_\_\_