



**DATE:** April 7, 2020

**MEMO TO:** Honorable Board of Commissioners  
Lake County Forest Preserve District

**FROM:** Alex Ty Kovach  
Executive Director

**RECOMMENDATION:** Approve an Ordinance Amending the Electronic Attendance at Meetings Policy.

**STRATEGIC DIRECTION SUPPORTED:** Organizational Sustainability

**FINANCIAL DATA:** No effect.

**BACKGROUND:** The Illinois Open Meetings Act (“OMA”) allows a public body to permit its members to electronically attend (via video or audio means) a public meeting for reasons of personal illness, public body business, or family or other emergency, so long as a quorum of the public body is physical present at the meeting location. The OMA requires a public body that allows electronic attendance to adopt rules governing the same. Consistent with the OMA, in May 2007, the Lake County Forest Preserve District (the “District”) Board of Commissioners (“Board”) approved an “Electronic Attendance at Meetings Policy” (the “Policy”) that permits Commissioners to attend Board and Committee meetings via electronic means. The District incorporated the Policy into its “Rules of Order and Operational Procedures,” which, in Section III.K(2)m, state:

*Electronic Attendance*

A Commissioner may attend a meeting by electronic means, but only in accordance with (1) the Illinois Open Meetings Act (5ILCS120/1 *et. seq.*); and (2) a separate written policy governing such attendance of Commissioners approved by the Board.

On March 16, 2020, in response to the COVID-19 crisis, the Governor issued Executive Order No. 2020-7 (COVID-19 Executive Order No. 5) which provides (in Section 6): “During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body are suspended”.

It is in the District’s best interests to amend the Policy in the form of the attached ordinance to allow Commissioners to electronically attend, by video or audio means, any Board or Committee meeting in the event of a bona fide disaster, to the full extent allowed by law, including the Executive Orders of the Governor.

**REVIEW BY OTHERS:** Chief Operations Officer, Director of Finance and Corporate Counsel.

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

**AN ORDINANCE AMENDING THE POLICY FOR ATTENDANCE  
AT PUBLIC MEETINGS BY VIDEO OR AUDIO CONFERENCE**

**WHEREAS**, the Lake County Forest Preserve District (the “District”) has adopted Rules of Order and Operational Procedures relating to, among other matters, attendance by and participation of the District Commissioners at public meetings of the District (the “Rules”); and

**WHEREAS**, the Illinois Open Meetings Act (5 ILCS120/1 et. seq.) provides that, if a quorum of the members of a public body is physically present at the meeting of that body, the public body may allow a member of that body to attend the meeting by video or audio conference if the member is prevented from physically attending because of reasons identified in the Act, in accordance with and to the extent allowed by rules adopted by the public body; and

**WHEREAS**, Section III.K.2.m of the Rules provides that a Commissioner may attend a meeting of the District in accordance with the Open Meetings Act and a separate written policy governing such attendance of Commissioners approved by the Board of Commissioners; and

**WHEREAS**, the District’s Board of Commissioners on May 8, 2007, adopted a “Policy for Attendance at Public Meetings by Video or Audio Conference,” which has been amended from time to time (the “Policy”); and

**WHEREAS**, on March 16, 2020, in response to the State-wide COVID-19 crisis, the Governor of the State of Illinois issued Executive Order No. 2020-7 (COVID-19 Executive Order No. 5) (“Executive Order No. 2020-7”), which provides: “During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body are suspended” (Executive Order No. 2020-7, §6); and

**WHEREAS**, it is in the best interests of the District to amend the Policy in substantially the form attached hereto (the “Amended Policy”) to allow Commissioners, in the event of a bona fide disaster, to electronically attend, by video or audio conference, any meeting of the Board of Commissioners or any Committee of the Board of Commissioners to the full extent allowed by law, including Executive Order No. 2020-7;

**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 Policy.** The Amended Policy is hereby 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 in full force and effect on the date upon which it was passed and approved in the manner provided by law and will be retroactive to March 16, 2020, the date upon which Executive Order 2020-7 was issued.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2020

AYES:

NAYS:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020

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Angelo D. Kyle, President  
Lake County Forest Preserve District

ATTEST:

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Julie Gragnani, Secretary  
Lake County Forest Preserve District

Exhibit No. \_\_\_\_\_

**LAKE COUNTY FOREST PRESERVE DISTRICT**  
**ELECTRONIC ATTENDANCE AT MEETINGS POLICY**

**I. Background and Purpose.**

The Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* (the "Act"), requires that the actions of public bodies be taken openly and that their deliberations be conducted openly, except for certain limited circumstances that permit closed meetings. Pursuant to Public Act 94-1058, the Illinois General Assembly amended various provisions of the Act, which amendments become effective on January 1, 2007. These amendments include certain clarifications to the definition of "meeting" to include meetings by electronic means and the adoption of rules for electronic meeting attendance by members of public bodies. This Policy is intended to adopt certain rules and procedures for electronic meeting attendance by members of boards, committees, and bodies of the Lake County Forest Preserve District ("District") consistent with Public Act 94-1058.

**II. Definitions.**

**"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 who is not physically present at the meeting but attends by either video or audio conference.

**"Public Body"** shall mean the 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 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. Member Qualifications for Electronic Attendance.**

A. A member of a Public Body is qualified to Attend Electronically a meeting of that Public Body only if the meeting is held at a Qualified Location and only if 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; or
- (3) a family or other emergency.

B. A member of a Public Body may not Attend Electronically any Executive Session or other portion of a meeting of that Public Body which is closed to the public.

**IV. 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:

- A. 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 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 III 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 notify the Secretary by other means prior to the meeting and shall submit the required written notice as soon as practicable.
- B. Determination of Authorization of Electronic Attendance. Upon receipt of notice in accordance with Subsection IV.A, the 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 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 of a member's Electronic Attendance may not be reconsidered.

**V. Special Rules for Meetings Involving Electronic Attendance.**

A meeting of a Public Body at which any member has been authorized to Attend Electronically in accordance with 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. Roll Call and Quorum. A quorum of the Public Body must be physically present at the meeting. Following the call of the roll, and at the conclusion of the procedures set forth in Section IV.B of this Policy, the presiding officer shall identify each member who is Attending Electronically.
- B. Identification and Recognition of Electronic Attendees. Any member Attending Electronically must identify himself or herself each time the member wishes to speak and must be recognized by the presiding officer prior to addressing matters before the Public Body.
- C. Public Access to Meeting. The speech of a member Attending Electronically shall be amplified in such a manner that it shall be generally audible to members of the Public Body and the public who are physically present at the meeting. Also, any video image of a member Attending Electronically shall be projected in such a manner that the member's video image shall be generally visible and audible to members of the Public Body and the public who are physically present at the meeting. In addition, the votes of any member of the Public Body Attending Electronically shall be generally audible at the location where such meeting is being held.

- D. Minutes. The minutes of each meeting of a Public Body shall identify which of the members of the Public Body were physically present and, if applicable, which members of the Public Body Attended Electronically. The minutes shall also reflect the reason for a member's Electronic Attendance (as described in Section III of this Policy), the fact that there was no valid or sustained objection to such Electronic Attendance pursuant to this Policy, and the electronic means by which the member attended the meeting.

**VI. Effect of Electronic Attendance.**

A member Attending Electronically a meeting of a Public Body shall be considered present at the meeting and entitled to vote on any matter before the Public Body as if the member were physically present at the meeting, provided that the member's Electronic Attendance at the meeting complies with the terms of this Policy.

**VII. Emergency and Disaster Situations.**

In the event of a bona fide disaster, as defined in the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.* ("**IEMAA**"), a member of a Public Body may Attend Electronically a meeting of that Public Body to the full extent allowed by the Act, the IEMAA, the Executive Orders of the Governor, and all other applicable State and Federal laws, 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  
Revised: 1/11/2011  
Revised: 1/13/2014  
Revised: 1/8/2015  
Revised: 4/7/2020

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.

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

Signature:

\_\_\_\_\_