

**Lake County Forest Preserve District  
Rules Committee - Minutes  
March 25, 2019**

The Lake County Forest Preserves Rules Committee met on Monday, March 25, 2019. The meeting was held at the District's General Offices, 1899 West Winchester Road, Libertyville, Illinois.

**Members Present:**

Bill Durkin, Chair  
Terry Wilke, Vice Chair  
Jennifer Clark  
Mary Ross Cunningham  
Adam Didech  
Judy Martini

**Members Absent:**

Craig Taylor  
Jessica Vealitzek  
John Wasik

**Also Present:**

Angelo Kyle, President  
Alex Ty Kovach  
Mike Tully  
Matt Norton, *Legal Counsel*  
Julie Gragnani  
Mick Zawislak, *Daily Herald*

**1.0 Call to Order** - With a quorum present, Chair Bill Durkin called the meeting to order at 9:00 a.m.

**2.0 Pledge of Allegiance** – Member Judy Martini led a Pledge of Allegiance.

**3.0 Public Comment** – None

**4.0 Addenda to the Agenda** – None

**5.0 Approve Minutes of Previous Meeting** – Motion by member Clark, second by member Didech to approve the Minutes of the December 6, 2018 meeting. Voice vote being had, the motion passed unanimously and the Minutes were circulated for signatures.

**6.0 Recommend approval of an Ordinance amending the adopted Rules of Order and Operational Procedures of the Lake County Forest Preserve District for 2018-2010** – Executive Director Kovach noted that at the previous meeting, the Committee asked staff and Corporate Counsel to 1) ascertain whether, in the case of a vacancy in the office of President or Vice-President resulting from the President or Vice President leaving the County Board, the appointment of a new President or Vice President could be made after the County Board Chair appoints the new County Board member to replace the departed President or Vice President, ensuring that the District Board had all 21 members in place before any election took place; 2) ascertain whether the Board has authority to remove the President in the event of absences, misconduct, or other reasons; and 3) add language to allow Commissioners to swap seats at the Board meeting if mutually agreeable.

Mr. Kovach proceeded to the first revision on pages 9 and 10 regarding switching seats. Member Martini noted that the County's Rules also stipulated that a seat swap would only be allowed one time every two years per person. The committee was in agreement and Mr. Kovach said staff would make that change. He then noted that pages 12 through 14 contain the revised language regarding the absence or incapacity of the President and vacancy of office. Attorney Matt Norton responded to questions.

Mr. Kovach then reviewed the revisions made to the meeting calendars. In 2019 and 2020, adjustments were made to better accommodate the new calendar year budget schedule:

- 8/26/2019 joint meeting – moved to September 23
- 8/26/2019 reverted to a regular Monday committee schedule: 9am Operations; 1pm Planning
- 8/31/2020 joint meeting – moved to October 5
- 8/31/2020 reverted to a regular Monday committee schedule: 9am Operations; 1pm Planning

In 2019, committee meetings were moved a week earlier to avoid a religious holiday conflict:

- 9/30/2019 meetings – moved to September 23 and becomes a joint meeting
- 10/3/2019 Finance Committee – moved to September 26 to keep all meetings in the same week

Finally, in 2020 a joint committee meeting on January 27 is not needed and was deleted in its entirety.

Motion by member Martini, second by member Clark to approve the amendments as presented. Voice vote being had, the motion passed unanimously and the Ordinance was forwarded to the full Board for approval.

**7.0 Discussion regarding Board Authority to Adopt Rules for Removal of President** – Mr. Kovach noted that in follow-up to the Committee's request at the previous meeting, Counsel has determined that the Board does not have the authority to remove the President. Mr. Norton summarized his research, noting a specific provision in the state statute that says that the President must be selected within 60 days after the County Board election and "*shall hold office* until his successor is selected and qualified". "Shall" is a mandatory term as opposed to "may", and is strong language that indicates that once the President is selected, he or she *shall hold office* during that two-year term. Mr. Norton's opinion was that this specific provision would override the general authority of the District to adopt Rules for the conduct of its business. He recommended that if the Rules Committee wants such a rule to have the ability to remove its president, that there should be a specific piece of legislation on that, and not relying on interpreting potentially conflicting provisions. In that case, the next step would be for the Legislative Committee to take it under consideration on whether to recommend a change to the Downstate Forest Preserve Act that would leave no doubt as to the District's authority. He added that Lake County has proposed a bill that would give the County Board the authority by a super majority vote to remove the County Board Chair.

A general discussion ensued. Member Didech voiced frustration that this matter could not have gone directly to the Legislative Committee for action instead of coming back first to the Rules Committee, causing delay and missing the filing deadline in Springfield. President Kyle noted that because this issue is currently under consideration in the Rules Committee, it did not necessitate the need to meet a legislative deadline. The issue was an emergency on the County side but not on the Forest Preserve side, and we would have been preempting the Rules Committee by going to legislation on an issue that had not formally been addressed in the Rules Committee. Attorney Norton added that under the District's committee process, the request to do the research came from the Rules Committee, therefore it was appropriate for him to report his research back to the Rules Committee. Chair Durkin agreed that it's appropriate to follow the committee process. Director Tully clarified the process, noting that there is time to draft a resolution for next week's Legislative Committee. Chair Durkin asked for a consensus to do so, and the committee members were in agreement to proceed. President Kyle restated that the intent for this matter coming back to the Rules Committee first, was to follow our procedure and go through the appropriate process.

**8.0 Next Meeting** - To be determined

**9.0 Adjourn** – Motion by member Clark, second by member Cunningham to adjourn. Voice vote being had, the motion passed unanimously and the meeting was adjourned at 9:34 am.

## Rules Committee Minutes - March 25, 2019

### APPROVED:

	<u>Yea</u>	<u>Nay</u>		<u>Yea</u>	<u>Nay</u>
<u>Bill Durkin, Chair</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Judy Martini</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Terry Wilke, Vice-Chair</u>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Craig Taylor</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Marah Altenberg</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Jessica Vealitzek</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Jennifer Clark</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>John Wasik</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Mary Ross Cunningham</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

**Secretary's Note:** Pursuant to Section 7(e) of the Illinois Open Meetings Act, the August 21, 2020, Gubernatorial Disaster Proclamation, the Governor's Executive Orders No. 2020-52, and Written Determination of the Lake County Forest Preserve District President, the Rules Committee met via audio and video conference on Friday, August 28, 2020. These Minutes were approved by a Roll Call vote at that meeting:

AYES: 7 (Altenberg, Clark, Cunningham, Durkin, Martini, Taylor, Wasik)

NAYS: 0

ABSENT: 2 (Vealitzek, Wilke)

Julie Gragnani 8/28/2020  
Committee Secretary