

**Lake County Forest Preserve District
Rules Committee - Minutes
August 28, 2020**

On Friday, August 28, 2020, pursuant to Section 7(e) of the Illinois Open Meetings Act, the August 21, 2020 Gubernatorial Disaster Proclamation, the Governor's Executive Order No. 2020-52, and the Written Determination of the Lake County Forest Preserve District President attached to the Agenda, the Rules Committee met via Audio and Video conference and at the Lake County Forest Preserve District's General Offices.

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

Chair Durkin requested that committee members verify their presence during the meeting by displaying a live video connection, and not a static screen with only name and/or photo, at least during the initial roll call, when speaking, and when voting.

2. Pledge of Allegiance – Chair Durkin led the Pledge of Allegiance.

3.0 Roll Call - Committee Secretary Gragnani call the roll and seven committee members responded: Bill Durkin, Chair; Marah Altenberg, Jennifer Clark, Mary Ross Cunningham, Judy Martini, Craig Taylor, and John Wasik. Absent: Jessica Vealitzek. Vice Chair Terry Wilke joined the meeting at 9:30 a.m.

Other Commissioners Present:

Angelo Kyle, President
Paul Frank
Ann Maine

Also Present:

Alex Ty Kovach, Executive Director
Matt Norton, Corporate Counsel
Mike Tully
Julie Gragnani
Jean Korando

Motion by member Clark, second by member Martini to suspend the Rules of Order and Operational Procedures to the full extent necessary to allow Committee members to attend this meeting in accordance with Section 7(e) of the Open Meetings Act, which allows all Commissioners to attend this meeting by video or audio conference. Roll Call vote being had, the motion passed by the following vote: AYES: 7, NAYS: 0.

4.0 Approve Minutes of Previous Meeting – Motion by member Altenberg, second by member Martini to approve the Minutes of the March 25, 2029 meeting. Voice vote being had, the motion passed unanimously and the Minutes were circulated for signatures.

5.0 Public Comment – None

6.0 Addenda to the Agenda – None

7.0 Policy direction regarding potential Rule changes for meetings attended by audio or video **means:** Executive Director Kovach made opening remarks regarding Section 2135 of the Open Meetings Act (OMA), the District Rules of Order, and current policy for attending meetings remotely. Attorney Matt Norton then presented his legal opinion, noting that the COVID-19 quarantine has put the District into uncharted territory and public agencies are learning as they go. OMA has been amended to codify remote meeting attendance during a declared emergency, and includes a statement that members of the public body must be “verified”, but no specific guidance on that was given. Attorney Norton advised that at a minimum,

members of the public body show a live video of their face during the initial roll call, all voting, and when speaking – for purposes of establishing a quorum and conducting business. He explained the risks of remote meetings. Zoom is able to get hacked; also, anyone could connect calling themselves a member of the body without showing their face. If a member must attend by audio only, the member should provide the Secretary the phone number in advance of the meeting so that when their phone number appears on the screen, their connection can be identified and thereby verified.

Mr. Norton cited some cases of OMA violations that voided actions taken and appointments made. As part of procedure moving forward, he also recommended that President's appointments should be expressly listed on the agenda to avoid being put into a position where approvals are voided or otherwise at risk.

Mr. Kovach then reviewed the five questions staff listed on the policy direction memo that needed to be answered. Attorney Norton and Mr. Kovach responded to questions and a lengthy discussion ensued. Consensus was reached on each question as follows:

1 and 2) Verifying identity and displaying live video – Following discussion, the general consensus was to follow Mr. Norton's advice to display a live video during the roll call, all voting, and when speaking; unless you have been previously verified for that meeting. He felt it would be a good idea to have a rule on this issue. Mr. Kovach added that an alternative to remote meetings would be to meet in person as the committee room is already set up for social distancing.

During discussion Commissioner Frank suggested looking at ways to enhance electronic attendance beyond the Governor's declared emergencies.

Attorney Norton noted that a revision to the Rules could be ready for review during the October meeting cycle and another Rules Committee would be needed.

3) Attorney Norton spoke about a possible amendment to OMA after the pandemic is over, and recommended writing something into the District's Rules regarding requirements for closed session, asking if the Rule for open session should also apply to closed session, or should there be a more strict rule for closed session; and including reading a statement at the beginning of closed session. During discussion the committee agreed there should be a written statement of the Rules at the start of closed session, and there was also a consensus to ban the use of virtual backgrounds in Zoom during closed session.

4) Attorney Norton felt that 1 and 2 (above) solved the issue raised in question 4. During discussion member Martini felt the rule about announcing leaving and entering the room should be enforced more. Mr. Norton also recommended disabling the Chat feature in Zoom.

Commissioner Frank felt there should be more consistency in the Rules regarding all meeting verbatim recordings.

5) Regarding how a member attending a remote meeting via audio only be verified, Mr. Kovach noted that the current remote attendance policy language for remote participation could be used in some way here, including an opportunity for a member to object to one's remote participation.

Mr. Kovach will work with the committee to determine a date for the next meeting, hopefully in October.

8.0 Next Meeting - To be determined

9.0 Adjourn – With no further business, Chair Durkin declared the meeting adjourned at 10:39 am.

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APPROVED:

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

Rules Committee Secretary's Note: Pursuant to Section 7(e) of the Illinois Open Meetings Act, the November 13, 2020, Gubernatorial Disaster Proclamation, the Governor's Executive Orders No. 2020-71 and Written Determination of the Lake County Forest Preserve District President, the Rules Committee met via audio and video conference on Thursday, December 10, 2020. These Minutes were approved by a Roll Call vote at that meeting:

AYES: 7 (Altenberg, Clark, Cunningham, Durkin, Martini, Roberts, Wasik)
 NAYS: 0
 ABSENT: (Taylor, Wilke)

Julie Grogman
 COMMITTEE SECRETARY