ORDINANCE NO. 703

GLENCOE PARK DISTRICT

AN ORDINANCE FIXING THE LENGTH OF TIME A PARK COMMISSIONER MAY FAIL TO ATTEND MEETINGS OF THE PARK BOARD IN ORDER FOR SUCH COMMISSIONER'S OFFICE TO BE DECLARED VACANT AND PROVIDING A PROCEDURE FOR DECLARING SUCH A VACANCY

WHEREAS, the Glencoe Park District ("District") is an Illinois park district organized and operating under and pursuant to the provisions of the Park District Code (70 ILCS 1205/1-1 *et seq.*) ("Code") and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the District is governed by five (5) individuals elected or appointed from time to time and comprising the Board of Park Commissioners ("Board") of the District; and

WHEREAS, the Board is empowered to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the Board and District and to manage and control the officers and property of the District; and

WHEREAS, except as otherwise specifically provided by law the Board acts from time to time on behalf of the District through the majority vote of the Board members at public meetings where at least a quorum of said members is present; and

WHEREAS, the members of the Board are elected to serve and represent the public, and an integral part of such service is attendance at the regular monthly meetings of the Board and such special or other meetings of the Board as may be called to order from time to time; and

WHEREAS, the failure of a park commissioner to attend the meetings of the Board deprives the electorate of the District of its full representation; and

WHEREAS, Article 2-25 of the Code provides, *inter alia*, that whenever any member of the Board of any park district neglects to attend the meetings of the Board for the length of time that the Board fixes by ordinance, such member's office may be declared vacant; and

WHEREAS, the Board of the District has not previously adopted any ordinance fixing the length of time a member of the Board may fail to attend meetings of the Board for that member's office to be declared vacant; and

WHEREAS, the Board wishes to (1) fix the length of time that a member thereof may fail to attend meetings in order for such member's office to be declared vacant and (2) to provide a procedure pursuant to which a declaration of vacancy as aforesaid may be rendered.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Park Commissioners of the Glencoe Park District, Cook County, Illinois as follows:

SECTION 1. **INCORPORATION OF PREAMBLE**. The preamble to this Ordinance is hereby incorporated by reference in this Ordinance, as though set forth herein in full.

SECTION 2. **REPEATED FAILURE TO ATTEND BOARD MEETINGS**. The failure of any member of the Board to be present either: (i) in person or (ii) by telephone in accordance with Board policy, at four (4) or more consecutive duly called regular meetings of the Board, or at six (6) or more duly called regular meetings of the Board within any consecutive twelve (12) month or shorter period after the effective date of this Ordinance shall be cause for the President of the Board or the Board to convene a meeting closed to the public or a closed session of an open meeting for the purpose of conducting a hearing to consider whether the office of Park Commissioner of such member shall be declared vacant, pursuant to 70 ILCS 2-25 and 5 ILCS 120/2(c)(3). For purposes hereof a member of the Board shall be deemed to be present at a meeting of the Board only if such member is in attendance at such meeting in person or, if permitted by Board policy, by telephone conference, from the time such meeting is called to order until the final adjournment of the meeting.

SECTION 3. **HEARING**.

(a) Prior to taking any final action on declaring a member's seat on the Board to be vacant, a hearing ("Hearing") before the Board shall be held to determine whether the Park Commissioner failed to be present in person or, if and as permitted by Board policy, by telephone, at four (4) or more consecutive duly called regular meetings of the Board, or at six (6) or more duly called regular meetings of the Board in any consecutive twelve (12) month or shorter period. The Park Commissioner whose office is in question shall be given at least fourteen (14) days prior written notice of the Hearing ("Hearing Notice") by the President of the Board.

(b) The Hearing Notice shall include notice of the possible declaration of vacancy of the member's seat on the Board, the date, time and location of the meeting and a listing of the dates of the meetings which the member has allegedly failed to attend.

(c) The member whose seat may be declared vacant shall have the right to be present at and to participate in the Hearing. The member shall also have the right to be represented by counsel prior to, during, and after the Hearing.

(d) During the Hearing the Board shall provide the member whose seat may be declared vacant, with certified copies of the minutes of the Board meetings which the member is alleged to have missed, showing those members in attendance at such meetings and those absent and whether the members were physically present or present by means of telephone conference and such certified copies shall create a rebuttable presumption that the member failed to attend each meeting for which the minutes reflect his absence.

(e) At the Hearing the member whose seat on the Board may be declared vacant may present oral and/or written evidence and/or present any witnesses to establish

such member's presence at any meeting where the aforesaid minutes reflect such member's absence.

(f) The President of the Board shall preside at the Hearing and may be assisted by legal counsel for the District.

(g) No final action shall be taken at the Hearing.

SECTION 4. **DECLARATION OF VACANCY**. At any time after the adjournment of the Hearing, the Board shall, at a meeting open to the public, make a finding of fact regarding the number of meetings missed by the member and if such finding indicates that at least four (4) consecutive duly scheduled regular meetings of the Board were missed by such member, or that such member missed six (6) or more duly scheduled regular meetings during any twelve (12) month or shorter period, the Board may declare the office of Park Commissioner of said member vacant by the affirmative roll call vote of not less than three (3) members of the Board, whereupon said office shall be vacant and may be filled by the remaining members of the Board in accordance with the provisions of Section 2-25 of the Code (70 ILCS 1205/2-25).

SECTION 5. **INVALIDITY**. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof.

SECTION 6. **EFFECTIVE DATE**. This Ordinance shall be effective upon its passage.

PASSED this 16th day of June, 2009 by roll call vote as follows:

VOTES:

AYES: Kimble, Lee, Retsky, Brohman

NAYS: Nays

ABSENT: Stratton

ABSTAIN: None

ATTEST:

__s/s Rodney A. Aiken_____
Rodney A. Aiken, Secretary
Board of Park Commissioners
Glencoe Park District
Cook County, Illinois

__s/s Michael B. Brohman__
Michael B. Brohman, President
Board of Park Commissioners
Glencoe Park District
Cook County, Illinois

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

SECRETARY'S CERTIFICATE

I, Rodney A. Aiken, do hereby certify that I am the Secretary of the Board of Park Commissioners of the Glencoe Park District, Cook County, Illinois and, as such, I am keeper of the records, ordinances, files and seal of said Park District; and

I HEREBY CERTIFY that the foregoing instrument is a true and correct copy of

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adopted at a duly called regular meeting of the Board of Park Commissioners of the Glencoe Park District, held at Glencoe, Illinois in said District at 7:30 p.m. on the 16th day of June, 2009.

I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

IN WITNESS WHEREOF, I hereto affix my official signature and the seal of said Glencoe Park District at Glencoe, Illinois, this 16th day of June, 2009.

s/s Rodney A. Aiken
Rodney A. Aiken, Secretary

[SEAL]