

Appendix __

Board Attendance Policy

SUMNER PARK DISTRICT

ORDINANCE NO. 2019 - ____

**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 Sumner Park District, Winnebago County, Illinois (the "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;

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;

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;

WHEREAS, except as otherwise specifically provided by law, pursuant to the Open Meetings Act of the State of Illinois (5 ILCS 120/1 *et seq.*) three (3) members of the Board constitute a quorum for the purpose of discussing or transacting public business and the affirmative vote of three (3) members of the Board is necessary to adopt any motion, resolution,

or ordinance, unless a greater number is otherwise required;

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;

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 may result in the inability of the Board to take necessary action on a matter before it;

WHEREAS, Article 2-25 of the Code provides 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 Board member's office may 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 Board 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 be it and it is hereby ordained by the Board of Park Commissioners of Sumner Park District, Winnebago County, Illinois, as follows:

Section One –Incorporation of Recitals: That the recitals hereinabove set forth are true and correct and are incorporated into the text of this Ordinance to the same extent as if each of such recitals had been set forth herein in its entirety.

Section Two – Repeated Failure to Attend Board Meetings: That the failure of any member of the Board to be present either: (i) in person or (ii) by video or audio conference in accordance with Board policies at special meetings or duly called regular meetings of the Board for four (4) consecutive meetings 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 for the purpose of conducting a hearing to consider whether the office of such Board member shall be declared vacant, pursuant to 70 ILCS 2-25 and 5 ILCS 120/2 (c)(3). For purposes hereof, a Board member shall be deemed to be present at a meeting of the Board only if such Board member is in attendance at such meeting either in person or, if permitted by either video or audio conference in accordance with Board policies, from the time such meeting is called to order until the final adjournment of the meeting.

Section Three – Hearing:

- (a) Prior to taking any final action on declaring a Board member's seat to be vacant, a hearing ("Hearing") before the Board shall be held to determine whether the Board member failed to be present, either in person or by video or telephone conference as aforesaid, at four (4) or more consecutive duly called meetings of the Board. The Board member 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 meetings that the Board member has allegedly failed to attend in accordance with

this Ordinance.

- (c) The Board member whose seat may be declared vacant shall have the right to be present at and to participate in the Hearing. The Board 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 Board member whose seat may be declared vacant, with certified copies of the minutes of the Board meetings which the Board member is alleged to have missed, showing those Board members in attendance at such meetings and those absent and such certified copies shall be conclusive evidence as to whether the Board member failed to attend each meeting for which the minutes reflect his or her 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 Board member's presence at any meeting where the aforesaid minutes reflect such Board 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 Four – 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 Board member and if such finding indicates that at least four (4) duly scheduled meetings of the Board were missed by such Board member, the Board may

declare the office of said Board 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 Five – 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 Six – Repealer: All ordinances and parts of ordinances in conflict or inconsistent with any of the provisions of this ordinance are hereby repealed to the extent they are inconsistent with this ordinance.

Section Seven – Effective Date: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

Roll Call Vote:

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

PASSED and APPROVED this ___ day of _____, 2019.

By: _____
Park Board President

Attest: _____
Park Board Secretary

SEAL

Published by the Park Board Secretary, in pamphlet form, by the authority of the Park Board of Commissioners of the Sumner Park District, on _____, 2019.