

ORDINANCE NO. 14-488

**ORGANIZATION ORDINANCE OF THE
FOREST PRESERVE DISTRICT OF DU PAGE COUNTY**

WHEREAS, the Forest Preserve District of DuPage County (hereinafter the "District") is a body politic and corporate and municipal corporation organized and existing under the Downstate Forest Preserve District Act, 70 ILCS 805/0.001 *et seq.*, as amended (hereinafter the "Act"); and

WHEREAS, under section 3c of the Act, 70 ILCS 805/3c, the President and the six elected Forest Preserve Commissioners comprise the Board of Commissioners of the District; and

WHEREAS, section 8 of the Act, 70 ILCS 805/8, in part states that the Board of Commissioners "shall be the corporate authority of such forest preserve district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district"; and

WHEREAS, pursuant to the authority granted by section 8, the Board of Commissioners finds that it is reasonable, necessary and desirable to establish this Organization Ordinance governing the organization, operation, management and rules of procedure of the District.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Commissioners of the Forest Preserve District of DuPage County as follows:

1. The provisions contained in Exhibit A, attached hereto entitled "Forest Preserve District of DuPage County Commission Rules," are incorporated herein and

made a part of this Ordinance as if fully set forth herein, and any reference to this Ordinance shall be deemed to include the Commission Rules set forth in Exhibit A.

2. This Ordinance supersedes Ordinance No. 12-555 titled "Organization Ordinance of the Forest Preserve District of DuPage County, Illinois," that was passed and approved by the President and Board of Commissioners of the Forest Preserve District of DuPage County on December 4, 2012, and all amendments thereto.

3. All District ordinances, resolutions, rules or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict. In the event of a conflict between this Ordinance and the statutes or court decisions of the State of Illinois, the statutes and court decisions shall control.

4. The Board of Commissioners recognizes that this Ordinance may need to be amended from time to time. Any proposed amendment shall be placed on the regular Commission Agenda for two consecutive regular meetings. At the second regular meeting the amendment shall be brought to the floor for debate and action. An affirmative vote of a majority of all Commissioners is required to amend this Ordinance.

5. The captions and headings used in the Commission Rules in Exhibit A are for convenience of reference only and do not define or limit the contents of any Section.

6. The Secretary is hereby directed to transmit a certified copy of this Ordinance to the Executive Director, and Attorney for the District.

PASSED AND APPROVED by the President and Board of Commissioners of
the Forest Preserve District of DuPage County, this 9th day of December, 2014.

APPROVED:

President

ATTEST:

Secretary

EXHIBIT A
FOREST PRESERVE DISTRICT OF DU PAGE COUNTY
COMMISSION RULES

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SECTION I. GENERAL PURPOSE CORPORATE AUTHORITY AND DEFINITIONS

- A. The purpose of these rules is to provide for the general organization, management and operation of the District and to establish rules of procedure for the District.
- B. The Corporate Authority:
1. Consists of the seven-member Board of Commissioners comprised of the six members elected from the County Board districts and the county-wide elected President.
 2. The Board of Commissioners has the authority to pass and enforce all ordinances, resolutions, motions, policies, rules, and regulations for the operation and management of the property and the conduct of the business and affairs of the District in conformance with the Downstate Forest Preserve District Act 70 ILCS 805/0.001 et seq, and as may be amended from time to time (hereinafter "the Act").
- C. Definitions:
1. "District" means the Forest Preserve District of DuPage County, a body politic and corporate and municipal corporation.
 2. "Commission" means the seven-member Board of Commissioners of the District. Unless the context otherwise requires, references to the Board of Commissioners or Commission shall include the President.

3. "Commission Meeting" means a meeting consisting of not less than a majority of all members of the Commission held for all lawful purposes including final action.
4. "Commissioner" means a member of the Commission.
5. "President" means the elected President of the District who is elected at large by the voters of DuPage County.
6. "Executive Director" means the chief administrative officer of District.
7. "Employee" or "Employees" means all paid full or part-time, regular or temporary employees of the District under the supervision of the Executive Director.
8. "Planning Session" means a meeting of the committee-of-the-whole of the Commission consisting of not less than a majority of all the members of the Commission (4) that is held for informational, educational and discussion purposes and for the purpose of providing direction to the staff. Final action may be taken at a Planning Session if it is posted in conformance with the Open Meetings Act (5 ILCS 120/2.02).
9. "Special Committee" means a committee appointed by the President, with the advice and consent of the Commission, which meets as required for a special ongoing purpose.

10. "Ad Hoc Committee" means a committee appointed by the President, for one purpose as determined by the President and which meets for a limited duration.
11. "Presiding Officer" means the individual charged with the responsibility of conducting a meeting.
 - (a) For regular Commission meetings, the Presiding Officer shall be the President or, in the absence of the President, the President Pro Tem.
 - (b) For Planning Sessions, the Presiding Officer shall be the President or, in the absence of the President, the President Pro Tem.
 - (c) For committee meetings, the Presiding Officer shall be the Chairman of the committee or, in the absence of the Chairman, the Vice-Chairman.
12. "Quorum" means the minimum number of Commissioners or members of a committee required to conduct business at a meeting.
 - (a) Four Commissioners present at a regular Commission meeting or Planning Session constitute a quorum.
 - (b) Committee quorums shall be as follows:
 - (1) 4 is a quorum of 6 or 7;
 - (2) 3 is a quorum of 4 or 5;
 - (3) 2 is a quorum of 3.

13. "Advice and Consent" is a majority vote (4) of the Commissioners in favor of the action taken or recommended by the President.

SECTION II. COMMISSION AND COMMISSIONERS: DUTIES AND COMPENSATION

- A. Term: The term of each Commissioner shall coincide with the Commissioner's elected or appointed term of office under the Act.
- B. Vacancies: Any vacancy on the Commission shall be filled as provided by the Act.
- C. Compensation:
 1. Annual Salary: The annual salary for the President and Commissioners shall be established by the Commission as provided for in Section 3c of the Act 70 ILCS 805/3c.
 2. Expenses: The President and Commissioners shall also be reimbursed for expenses in conformance with Section V of these Rules.
- D. Duties of the Commission: In conformance with the Act the Commission shall:
 1. Perform those duties prescribed by law.
 2. Formulate and adopt the general policies for the management and operation of the District.
 3. Establish regular Commission and other routine meeting dates for the calendar year by the first regular Commission meeting date in January of each year. (5 ILCS 120/2.03.)

4. Receive, approve and place on file the minutes of Commission and as otherwise required by the Illinois Open Meetings Act, 5 ILCS 120/2.06.
 5. Review the minutes of closed meetings semi-annually for the purpose of determining whether the need to keep such minutes, or portions thereof confidential still exists, which determination shall be reported in open session. (5 ILCS 120/2.06(c).)
- E. Duties of a Commissioner: In conformance with the Act Commissioners shall:
1. Perform those duties prescribed and authorized by law.
 2. Abide by all District ordinances, policies, rules and regulations.

SECTION III. OFFICERS: DUTIES AND COMPENSATION

- A. Officers:
1. The officers of the District shall be composed of the statutory and non-statutory officers set forth in subsections (a) and (b) and such other officers as may be established by the Commission.
 - (a) Statutory Officers: President, Secretary, Treasurer (70 ILCS 805/3c), and Freedom of Information Officer. (5 ILCS 140/3.5.)
 - (b) Non-statutory Officers: The Commission hereby establishes the following, non-statutory officers: Deputy Secretary, Assistant Secretaries, Deputy Treasurer, and Deputy Freedom of Information Officers.

2. All officers shall be Commissioners except the Secretary, Deputy Secretary, Assistant Secretaries, Deputy Treasurer, Freedom of Information Officer, and Deputy Freedom of Information Officers, all of whom need not be Commissioners.
3. The term of office for each officer shall continue until a successor has been duly appointed and approved, provided, however, that the term of office of the President and any Commissioner who is appointed to an office (excluding the Treasurer) shall terminate upon the expiration of the President's or Commissioner's term of office, and the term of office of any District Employee who is appointed as an officer shall terminate upon the end of the Employee's employment. The term of the Treasurer shall continue until a successor has been duly appointed and approved, and until the successor has (a) obtained the required bond; (b) obtained the necessary facsimile signature for use on checks and on the operating accounts; (c) executed the required signature cards or other documents at the Districts financial institutions; and (d) completed such other responsibilities so as to permit the successor to fully perform the duties of the office. The provisions of this subparagraph 3 shall apply to the

Treasurer holding office as of the date of the enactment of Ordinance No. 14-488.

4. All officers shall be appointed by the President, subject to the advice and consent of the Commission. For purposes of these Commission Rules, the offices of Deputy Secretary, Deputy Treasurer, and Deputy Freedom of Information Officer shall be regarded as having been appointed by the President and confirmed by the Commission upon the passage and approval of the Organization Ordinance.
5. A vacancy in any District office, other than the office of President, shall be filled by the President no later than the second regular Commission meeting after such vacancy occurs, subject to the advice and consent of the Commission. A vacancy in the office of President shall be filled as provided by the Act.

B. Duties of the Officers:

1. President: The President in conformance with the Act shall:
 - (a) Perform those duties prescribed or authorized by law or the Commission.
 - (b) Preside at all regular meetings of the Commission and at all Planning Sessions.
 - (c) Be the Executive Officer of the District.
 - (d) Review the work of the Executive Director on a regular

basis and annually provide the Commission with an oral evaluation of the Executive Director in Executive Session.

In the absence of an Executive Director, the President shall appoint an Interim Executive Director, with the advice and consent of the Commission.

- (e) Sign all ordinances, resolutions, contracts (except those contracts for supplies, equipment, material or work authorized to be signed by another or other ordinance of the District), or other documents approved by the Commission within seven calendar days of the date of the Commission action, except as provided in subsection (B)(1)(f) of this Section. Should the President fail to sign the required documents within seven days, the Commission may authorize the Attorney institute appropriate legal action to compel performance of the duties prescribed by statute.
- (f) In the exercise of lawful discretion veto any ordinance and any orders, resolutions and actions, or any items therein contained, of the Commission which provide for the purchase of real estate, or for the construction of improvements within the preserves of the District. Such veto shall be filed with the Secretary of the Commission with copies to the Commissioners, within five days after the passage of the ordinance, order, resolution or action and

when so vetoed the ordinance, order, resolution or action or any items therein contained is not effective unless it is again passed by a two-thirds vote of all the members of the Commission. (70 ILCS 805/12.)

- (g) Vote at Commission meetings in the same manner as the other members of the Commission. (70 ILCS 805/12.)
- (h) Establish, Special and Ad Hoc committees of the District as the President deems appropriate.
- (i) Shall appoint the Secretary and Treasurer with the advice and consent of the Commission. May appoint such other officers as the Board of Commissioners deems necessary. In the case of the Secretary and Treasurer, such appointments shall be made within 30 days of the beginning of the President's term of office. In the case of all other officers, such appointments shall be made within 30 days of the determination by the Commission of the need for the establishment of the office.
- (j) Shall appoint, with the advice and consent of the Commission:
 - (1) The Chairman, Vice-Chairman and members of any Special or Ad Hoc committee.
 - (2) The Attorney for the District.
 - (3) The Freedom of Information Officer.

- (4) Such other officers as the Board of Commissioners deems necessary.
- (k) Shall appoint such special attorneys as the President deems necessary, with the advice and consent of the Commission.
- (l) Shall have the authority to rescind any appointment, subject to the advice and consent of the Commission.
- (m) Shall have the authority to request a legal opinion from the Illinois Attorney General.
- (n) Shall request a legal opinion from the Illinois Attorney General when requested by the Commission.
- (o) Shall annually place before the Commission a budget guideline to be approved by the Commission at its first meeting in March.

2. President Pro Tem:

The President may appoint, with the advice and consent of the Commission, a President Pro Tem whose term shall be the same as the President's term, and who shall preside over the regular Commission meetings and Planning Sessions and to otherwise perform pro tem duties in the President's absence. If the President is unable to appoint a President Pro Tem or the President

Pro Tem is unavailable the Commission may elect a Commissioner to serve as President Pro Tem.

3. Secretary: In conformance with the Act the Secretary shall:
- (a) Perform those duties prescribed by law and by the Commission.
 - (b) Make and keep the minutes of the Commission's open regular session meetings and make such minutes available to the Commission and to the public.
 - (c) Make and keep the minutes the Commission's closed meetings in conformance with the Open Meetings Act (5 ILCS 120/1 et seq.) and shall release minutes only after the Commission determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping such closed session minutes and verbatim record confidential. (5 ILCS 120/2.06.)
 - (d) Serve as custodian of the corporate seal and affix it to any records required by law.
 - (e) Serve as custodian of all official Commission meeting records, ordinances and resolutions of the District.
 - (f) Attest to the signature of the President on all documents approved by the Commission and all other documents required by law.

- (g) File certified copies of all ordinances and resolutions adopted by the Commission in the office of the Executive Director and with any other individual as may be directed in the ordinance or resolution.

4. Assistant Secretaries:

- (a) Shall perform the duties of the Secretary at the Planning Session and when the Secretary is absent or otherwise unable to perform the duties of the office.
- (b) Shall perform the duties as assigned by the Secretary.

5. Deputy Secretary:

- (a) Shall be the Executive Director of the District.
- (b) Shall delegate the duties and tasks as assigned by the Secretary to appropriate District Employees.
- (c) Shall administer procedures to keep District records, including Planning Session and Committee minutes, not kept by the Secretary, as required by the Open Meetings Act and State Records Act (5 ILCS 160/8). Shall bring Planning Session and Executive Session minutes forward for determination of release or no release twice per year.
- (d) Shall keep all closed Planning Session meeting minutes confidential and shall release said minutes only after the Commission determines that it is no longer necessary to protect the public interest or the privacy of an individual.

When released, the minutes shall be filed with the District's Secretary.

6. Treasurer: In conformance with the Act the Treasurer shall in Conjunction with the District's Chief Financial Officer:

- (a) Perform those duties prescribed by law or the Commission.
- (b) Receive and deposit all monies in depositories designated by the Commission.
- (c) Prepare all checks and maintain a check register.
- (d) Reconcile all bank statements.
- (e) Maintain a file of the orders for deposit of monies.
- (f) File a bond in the amount prescribed by the Commission.
- (g) Keep and maintain all financial records at the District's administrative office.
- (h) File the annual audit in compliance with the Governmental Account Audit Act, 50 ILCS 310/0.01 *et seq.*, as amended.
- (i) Recommend depositories to be designated by the Commission.
- (j) Have the responsibility for the handling, care, and investment of all deposits, investment income, or funds of the District in accordance with the policies of the District including, but not limited to, the "Ordinance for the Investment of Funds" (No.11-113), or such other investment ordinance as the Commission may hereafter enact, and the

Public Funds Investment Act, 30 ILCS 235/0.01 *et seq.*, as amended.

- (k) Report to the Commission concerning the financial status of the District at such times and in the manner required by the Commission.
- (l) Have such other duties as specifically prescribed in writing by the President.

7. Deputy Treasurer:

- (a) Shall be the District's Chief Financial Officer.
- (b) Shall delegate the duties and tasks as assigned by the Treasurer to appropriate District Employees.
- (c) Shall sign contracts and purchase orders for supplies, equipment, material or work not signed by the President.
- (d) Routine Purchase orders may be signed by employees of the District when authorized in writing by the Deputy Treasurer.

8. Freedom of Information Officer:

Shall perform the duties as prescribed in Section 3.5 of the Freedom of Information Act, 5 ILCS 140/3.5

9. Deputy Freedom of Information Officers:

- (a) Shall perform the duties of the Freedom of Information Officer when the Freedom of Information Officer is absent or otherwise unable to perform the duties of the office.

- (b) Shall perform the duties as assigned by the Freedom of Information Officer.

SECTION IV. ATTORNEY OF THE DISTRICT

- A. The Attorney for the District shall have the following responsibilities:
 - 1. Perform those duties prescribed by law, the President, or the Commission.
 - 2. Advise the Commission and employees on District legal matters.
 - 3. Direct litigation and represents the District and Commission, except in those cases where a special attorney has been appointed by the President.
 - 4. Provide opinions requested by the President, the Executive Director or a majority of any Special or Ad Hoc Committee.
 - 5. Provide opinions requested by a Commissioner in writing when approved by the President or a majority of the Commission (4).
 - 6. Advise the President on appointments of special attorneys.
- B. Special Attorney:
Perform the duties prescribed at the time of appointment or as assigned by the President.
- C. Compensation:
The Attorney and all special attorneys shall be compensated according to the terms approved by the Commission at the time of appointment confirmation.

SECTION V. REIMBURSEMENTS AND MEETING AND TRAVEL EXPENSES FOR COMMISSIONERS

A. Approvals:

1. Reimbursements for mileage, toll and parking expenses for the use of a personal vehicle for District business are subject to and governed by the expense reporting process.
2. Travel to meetings outside the County of DuPage must be pre-approved by the Commission.
3. Emergency meeting and travel expenses out of the County of DuPage but within the state may be approved by the President.
4. All reimbursements shall be supported by adequate documentation. Adequate documentation means that which would satisfy IRS standards.
5. All reimbursements shall be approved by the Commission.

B. Transportation—Out of State:

1. Airline and rail transportation shall be limited to coach fare or less. The ticket receipt shall be attached to the expense voucher.
2. If a personal vehicle is used for transportation out of state, reimbursement shall be at the lower of either standard airline coach air fare or the current mileage expense rate per mile for actual miles driven.
3. If two or more Commissioners travel together in a private vehicle, only one Commissioner shall be reimbursed for mileage, toll and parking expenses.

C. Meals:

Reimbursement without a receipt for meals, including taxes and tips, while on District business shall not exceed the Internal Revenue Service (IRS) standard allowance for the locality per the published per diem rates then in effect. If travel is to a location that is not included in the IRS list, the standard meal allowance for the nearest published location shall apply. If the entire amount expended, not to exceed \$ 100.00, exceeds the IRS standard allowance for the locality, the entire amount claimed for reimbursement must be validated by proper receipts. Reimbursement shall not be made for alcoholic beverages.

D. Lodging:

Lodging shall be paid by the District, or reimbursed, as validated by proper receipt.

E. Registration:

Meeting and conference registration shall be paid by the District.

F. Incidentals:

Necessary incidental expenses such as, but not limited to, written or taped materials pertaining to the subject of the meeting will be reimbursed upon submission of receipts.

G. Cash Advance:

Pre-approved meeting or travel expenses for no more than the estimated cost shall be advanced by the District contingent upon:

1. The recipient signing for the amount of the draw; and

2. The balance, if any, being returned with proper supporting receipts within five working days after the return date.

SECTION VI. ADMINISTRATIVE STAFF

A. Administrative Staff:

The Administrative Staff shall consist of the Executive Director and the other Employees required to fill the positions established by the Commission.

B. Executive Director:

1. Shall be the Chief Administrative Officer of the District. Absent a written employment contract and notwithstanding anything in the District's personnel policies to the contrary, the Executive Director may be terminated upon the recommendation of the President and the affirmative vote of a majority of the Commission (4).
2. Executive Director Duties:
 - (a) To direct and manage all phases of District operations, subject to the ordinances, resolutions and policies adopted by the Commission.
 - (b) To supervise all Employees and concessionaires and to have charge of all personnel and to organize all District human resources appropriately.
 - (c) To hire personnel to fill Commission authorized positions as designated by Ordinance.

- (d) To hire replacement employees subject to the following guidelines:
 - (1) Employee meets all job qualifications;
 - (2) The salary is within proper range established by the Commission;
 - (3) Total expenditures required are within the authorized budget; and
 - (4) Compliance with all applicable federal and state laws, rules and regulations and with all District rules, regulations and policies.
- (e) To discharge Employees of the District.
- (f) To attend or assign appropriate staff to attend meetings of committees and attend the Commission meetings.
- (g) To formulate and present recommendations concerning policy, planning, development, land acquisitions and organization and submit those recommendations to the Commission for its consideration.
- (h) To purchase materials or services according to procedures established by the District's Purchasing Ordinance and the Downstate Forest Preserve District Act, provided that such purchases and contracts shall not exceed \$20,000 without prior approval of the Commission.

- (i) To conduct and oversee performance reviews of Employees and make salary and wage adjustments in accordance with the provisions of the guidelines approved by the Commission.
- (j) To prepare and present the Annual Budget and Appropriation Ordinance and Tax Levy Ordinance to the Commission for approval.
- (k) To file a bond for any member of the staff when required by the Commission.
- (l) To sign all contracts for supplies, material, equipment or work approved by the Commission.
- (m) To perform such other duties as may be assigned from time to time in writing by the President.
- (n) To sign grant applications for projects approved or conditionally approved by the Commission.

SECTION VII. MEETINGS

A. Organization Meeting:

1. For the purpose of adopting an Organization Ordinance, confirming appointments, and otherwise organizing the District and conducting regular District business.

2. Shall be no later than 10 days after the swearing in ceremony of the President and Commissioners.

3. The agenda shall be established by the President.

B. Regular Commission Meetings:

1. Shall be held on the first and third Tuesday of each month, subject to the terms of the Ordinance establishing the annual meeting dates and times.

2. Order of Business for Regular Meetings:

(a) Call to Order by the President;

(b) Pledge of Allegiance;

(c) Invocation;

(d) Roll Call;

(e) President's Remarks;

(f) Public Comment shall be by written request filed with the secretary prior to the start of the meeting. Each speaker providing public comment shall be limited to a maximum of three minutes. Speakers shall address their comments to the Presiding Officer only. The Commission may from time to time, without amending this Ordinance adopt other lawful rules pertaining to public comment that are consistent with (5 ILCS 120.06);

(g) Consideration of items on the Regular Agenda;

(h) Other business; other business shall be considered items of an emergency nature or items not published with the original agenda but added to the agenda within a period of time to be lawful under the Open Meetings Act. Whether an item constitutes an emergency shall be based on an analysis of whether the item deals with a situation constituting an immediate or eminent threat to the public health and safety or constitutes a situation in which the failure of the Commission to act in a prompt and immediate fashion will cause immediate or imminent harm to the District. All Commissioners intending to raise a matter as an “emergency” under other business shall bring the matter to the attention of the District’s attorney prior to bringing the matter forth under other business; and

(i) Adjournment.

3. The President, in cooperation with the Executive Director, shall be responsible for preparation of the Agenda, provided, however, that two Commissioners, upon written request to the President, shall have the right to place an item on the Agenda for consideration, discussion and action by the Commission.

C. Planning Sessions:

1. Shall be held on the second and fourth Tuesday of each month, subject to the terms of the Ordinance establishing the annual

meeting dates and times. The President, in cooperation with the Executive Director, shall be responsible for preparation of the Agenda for each Planning Session, provided, however, that two Commissioners, upon written request to the President, shall have the right to place an item on a Planning Session Agenda.

2. Public comment, if it has not been provided at another meeting on the same date, or where placed on a specific Planning Session agenda by the President, and subject to the same rules as Commission meetings shall be permitted at a Planning Session.

D. Special Meetings:

1. Shall be held upon either the written request of the President to the Secretary or upon the written request of at least three Commissioners to the Secretary. All written requests shall specify the time, place and agenda for the Special Meeting.
2. The Secretary shall furnish notice of the Special Meeting, including the agenda, to each Commissioner in writing, electronic mail transmission, facsimile, or by telephone at least 48 hours prior to the meeting. The Secretary shall also give public notice of the Special Meeting, including the agenda, at least 48 hours prior to the meeting to any news medium that has filed an annual request for such notice and provided the District with an address or telephone number within the territorial jurisdiction of the District. Public notice shall be given in the same manner as notice

was given to the members of the Commission. (5 ILCS 120/2.02.)

3. Notice of a Special Meeting, together with the agenda for the meeting, shall also be posted at the District's administrative office.

(5 ILCS 120/2.02.)

4. Order of Business for Call Meetings:

- (a) Reading of Call by Secretary;
- (b) Call to Order by the President;
- (c) Pledge of Allegiance;
- (d) Roll Call;
- (e) President's Remarks;
- (f) Public Comment if it has not been or will not be provided at another meeting of the same date, or when placed on a specific Special Meeting agenda by the President, and subject to the same rules as regular meetings.
- (g) Reports on items listed in the agenda for the Special Meeting;
- (h) Commission action items listed in the agenda for the Special Meeting: and
- (i) Adjournment.

E. Adjourned Meetings:

A regular meeting may be adjourned to a date certain, in which case any action can be taken at the adjourned meeting that could have been taken

at the original regular meeting.

SECTION VIII. VOTE REQUIREMENTS

- A. Commission Action: If a quorum is present, Commission action shall require the following votes:
1. The concurrence of a majority (4) of all members elected or appointed to the Commission is necessary for the passage of all ordinances and all proposals to create any liability, or for the expenditure or appropriation of money. (70 ILCS 805/12.)
 2. An affirmative vote of two-thirds (5) of all Commissioners is required to make transfers from one appropriation in a fund to another appropriation within the same fund or to an appropriation in a different fund, not affecting the total amount appropriated. (70 ILCS 805/13.5.)
 3. An affirmative vote of two-thirds (5) of all Commissioners is required to make appropriations in excess of those authorized by the appropriation ordinance in order to meet an immediate emergency. (70 ILCS 805/13.4.)
 4. An affirmative vote of two-thirds (5) of all Commissioners is required to override a Presidential veto. (70 ILCS 805/12.)
 5. An affirmative vote of 6/7 of all Commissioners (6) is required to vacate any street, roadway or driveway contained within a forest preserve. (70 ILCS 805/6.)

6. An affirmative vote of two-thirds (5) of all Commissioners is required to pass a resolution authorizing the purchase (but not condemnation) of a parcel of land and the sale of a portion thereof within 30 days after the acquisition. (70 ILCS 805/6.)
 7. An affirmative vote of two-thirds (5) of all Commissioners is required for the passage of an ordinance or resolution authorizing the conveyance or leasing of District property to another municipality as defined in the Local Government Property Transfer Act. (50 ILCS 605/2.)
 8. An affirmative vote of a majority of all Commissioners (4) is required to amend the Organization Ordinance.
 9. An affirmative vote of 6/7 of all Commissioners (6) is required to place/dedicate any street, roadway or driveway through a forest preserve.
 10. An affirmative vote of a majority of all Commissioners (4) is required for condemnation of property to be acquired by the District.
 11. In all other cases, Commission action shall, except as otherwise required by law or by Roberts Rules of Order, require an affirmative vote of a majority of those present and voting.
- B. Committee Action: If a quorum is present, committee action shall require an affirmative vote of a majority of the members of the committee present and voting.

SECTION IX. ROLL CALL VOTES

- A. The maker of a motion shall vote first.
- B. The remaining Commissioners shall vote in alphabetical order following the maker of the motion.
- C. Commissioners shall vote or defer on any question submitted to a roll call in the following manner:
 - 1. Yes;
 - 2. No;
 - 3. Abstain or present is a non-vote and so recorded, except for votes on ordinances or proposals involving the creation of liability or the expenditure or appropriation of money, in which case a vote to "abstain" or a vote "present" shall be recorded with the majority. If a Commissioner believes that a conflict of interest exists, the Commissioner shall, prior to any discussion of the matter on the agenda giving rise to the conflict of interest, state there is a conflict and leave the room.
 - 4. Pass, the Secretary shall request a vote upon completion of the initial vote. A pass may only be asserted once per motion. Refusal to vote or "present" vote shall be counted in the same manner as abstention.
- D. Names of those not answering may be called again, or the President may ask if anyone entered the chamber after his or her name was called.

Commissioners may change their votes before the result is announced.

The Secretary shall give the final number of those voting "Yes," "No," "Abstain," "Present," and the number of those absent to the President.

- E. The President shall announce the figures on the vote, and then announce the result of the vote.
- F. If a roll call has been taken on an item on the Regular Agenda, subsequent votes may be taken by the "most favorable roll," in which case the Secretary shall record the vote based upon the last immediately preceding roll call.

SECTION X. RULES OF ORDER

A. Duties of Presiding Officer:

1. The Presiding Officer shall preserve order and decorum at a meeting.
2. The Presiding Officer may speak to points of order in preference to other Commissioners.
3. The Presiding Officer shall decide all questions of order, subject to appeal.
4. In case of any disturbance or any disorderly conduct, the Presiding Officer shall have the authority to clear the meeting room.

B. Robert's Rules of Order:

The rules of parliamentary practice contained in the most recent edition of *Da Capo Press Robert's Rules of Order* shall govern the Commission in all cases to which they are applicable and in which they are not

inconsistent with the rules contained herein or any special rules the Commission may adopt in the future.

C. Appeals from Decision of the Chair:

1. Any Commissioner may appeal a ruling of the Chair.
2. If the appeal is seconded, the Commissioner making the appeal may briefly state his reason for the appeal, and the Chair may briefly explain its ruling. There shall be no debate on the appeal, and no other Commissioner shall participate in the discussion.
3. The Chair shall then put the question, "Shall the decision of the Chair be sustained?"
4. If a majority of the full Commission (4) votes "No," the decision of the Chair shall be overruled; otherwise it shall be sustained.

SECTION XI. COMMITTEES

A. Committee Responsibility:

1. The primary responsibilities of committees are suggesting policy, reviewing items under the purview of the committee, and making related recommendations to the Commission.
2. Special Committees: Special Committees shall have such authority and duties as assigned by the President.
3. Ad Hoc Committees: Ad Hoc committees shall have such authority and duties as assigned by the President.

B. Rules of Committees:

1. Meeting Schedule: Special and Ad Hoc committees shall meet as determined by the Chairman of the committee.
2. Committee Composition: Special and Ad Hoc committees shall consist of a Chairman, Vice-Chairman and members designated by the President, with the advice and consent of the Commission.
3. Transacting Business and Right to Vote:
 - (a) Committee action shall constitute only a recommendation to the Commission; accordingly, no final action binding the District may be taken by any committee.
 - (b) No business may be transacted by a committee unless a quorum is present.
 - (c) All Commissioners shall have the right to attend any committee meeting. They shall not have the right to vote in a committee where they are not members, unless a quorum is needed and at least two of the committee members present approve the addition of the Commissioner to the committee.
4. Committee Term: The term of each committee member shall commence upon his or her appointment. The President may change committee membership and fill vacancies at any time with the advice and consent of the Commission.
5. Chairman Duties: The committee Chairman shall:

- (a) Schedule a regular time for the meetings and notify the members, President and Executive Director.
- (b) Preside at the meetings.
- (c) Present, when necessary, the recommendations of the committee to the Commission for final action.
- (d) Present an oral or written report of committee business at the regular meetings of the Commission.
- (e) Not pull an item from the committee or Commission agenda, as the case may be, without the consent of at least one other committee member in the case of a three-member committee or two other committee members in the case of a committee comprised of more than three members.
- (f) Not cancel a regularly scheduled committee meeting without the written or verbal consent of two other members of the committee.

6. Chairman: In the event of temporary absence or inability of a committee Chairman to chair a committee meeting, the Vice-Chairman shall chair the meeting. In the event of temporary absence or inability of both the Committee Chairman and the Vice-Chairman to chair a committee meeting, the committee shall elect a member to be Chairman Pro-Tem for that meeting.

SECTION XII. COMMITMENTS AND STAFF INTERACTIONS

- A. No Commissioner, officer, employee or committee shall have any authority to bind the Commission or District in any manner unless authorized by the Commission.
- B. Commissioners shall make every reasonable effort to request information or actions of District staff at Commission meetings, Planning Meetings and Special Meetings, allowing other Commissioners knowledge of the request and access to the information if the Commission approves the request. When not made at a Commission Meeting, Planning Meeting or Special Meeting, Commissioner's shall make every reasonable effort to channel communications and requests regarding the District through the office of the Executive Director or President in order to maximize District management's ability to efficiently manage the day to day business activities of the employees of the District. Commissioners shall copy the Executive Director on all e-mail communications between Commissioners and Staff members related to District business.

SECTION XIII. OPEN MEETINGS ACT

- A. The District shall comply with all terms of the Open Meetings Act, 5 ILCS 120/1 *et seq.*, and the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as each may hereafter be amended.

B. Closed Meetings:

1. Procedure:

- (a) A motion to hold a closed meeting shall be made and shall specify the subject(s) to be considered as an exemption to the Open Meetings Act. Only those subjects specified in the motion may be considered during the closed meeting. If the meeting strays from its stated purpose, a Commissioner should object and call this to the attention of the presiding officer. Passage of a motion to go into executive session shall require the roll call vote of a majority of a quorum. The records of votes and minutes of closed meetings shall be consistent with the Open Meetings Act (5 ILCS 120/2.06)
- (b) Examples of meetings which may be closed to the public under section 2(c) of the Open Meetings Act, 5 ILCS 120/2(c), include, but are not limited to the following:
 - (1) Meetings involving collective negotiating matters between the District and its employees or representatives, or deliberations concerning salary schedules for one or more classes of District employees.
 - (2) Meetings involving a purchase or lease of real property for the use of the public body, including

meetings held for the purpose of discussing whether a particular parcel should be acquired.

(3) Meetings held to discuss litigation when an action against, affecting, or on behalf of the District has been filed and is pending in a court or administrative tribunal, or when the District finds that such an action is probable or imminent, in which case the basis for such a finding shall be recorded and entered into the minutes of the closed meeting.

(4) Meetings to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District, including hearing testimony on a complaint lodged against a District employee to determine its validity.

2. Commissioners may vote or take polls in Executive session provided that no such vote or poll shall be deemed to be final action.

3. Confidential Material: Any discussions and any materials, information, notes, documents, maps or exhibits presented, used or discussed in a closed meeting are hereby declared to be confidential material. Confidential material shall remain confidential until the Commission votes that it is no longer

necessary to protect the public interest or the privacy of an individual by keeping the material confidential, at which time the confidential material shall be made public.

4. Duty of Commissioners, Employees, Attorneys and Agents: No Commissioner, employee, Attorney or agent of the District shall knowingly cause any confidential material identified in subsection (B)(3) of this Section to be made public prior to the time the Commission votes that it is no longer necessary to protect the public interest or the privacy of an individual by keeping the material confidential. The prohibition contained herein shall not preclude the use of confidential material by the District's attorneys or other authorized agents in public or private in furtherance of the District's policies or directives.
5. Procedure to Open Meeting: As soon as the purpose of the closed meeting has been achieved, a vote shall be taken to go out of closed session.

SECTION XIV. LOBBYING

No Commissioner or person employed by the District shall lobby on any bill in either the state or federal legislature in the name of the District without the Commission's consent by adoption of an authorizing Ordinance or Resolution.

SECTION XV. FISCAL YEAR BUDGET, APPROPRIATION AND TAX LEVY

- A. Fiscal Year: The fiscal year of the District shall commence on July 1 and extend through the following June 30.

- B. Annual Appropriation Ordinance: The Commission shall, within or before the first quarter of each fiscal year, adopt an annual appropriation ordinance appropriating such sums of money as may be required to defray all necessary expenses and liabilities of the District to be paid or incurred during the fiscal year. The failure of the Commission to adopt an annual appropriation ordinance or to otherwise comply with the provisions of this Section shall not affect the validity of any tax levy of the District. The annual appropriation ordinance is not intended to be in support of or related to any tax levy made during the fiscal year. (70 ILCS 805/13.3.)

- C. Annual Tax Levy Ordinance: After the first Monday in October and by the first Monday in December in each year, the Commission shall adopt a tax levy ordinance for the next fiscal year. (70 ILCS 805/13.1.)

SECTION XVI. CODE OF ETHICS

- A. The Commission shall be bound by the terms and provisions contained in Ordinance No. 04-182 entitled "An Ordinance Establishing an Ethics Policy for the Forest Preserve District of DuPage County" and in Articles 1, 2, and 3 of the Illinois Governmental Ethics Act, 5 ILCS 420/1-101 *et*

seq., as amended. It is understood that in interpreting the statute for the purposes of the Board of Commissioners, the terms are modified as follows:

<u>State Statute</u>	<u>Commission Rules</u>
Illinois Governmental Ethics Act	Forest Preserve District Code of Ethics
Legislators	Commissioners
General Assembly	Board of Commissioners
State	District
Legislative Service	Board Service
Legislative Body	Board of Commissioners

SECTION XVII. COMPETITIVE BIDS

Notwithstanding anything to the contrary the District's purchasing policy constitutes the threshold for requiring competitive bids through the procedures defined in Section 5 of said Ordinance and as required by Downstate Forest Preserve District Act(70 ILCS 805/8 (b)), and any other Illinois bidding statute or purchasing statute applicable to the District. Any District ordinance inconsistent or non-restrictive than the foregoing is hereby repealed.

[END]