PARTICIPATION IN BOARD OF DIRECTORS' MEETINGS BY AUDIO AND/OR VIDEO CONFERENCE

The NKEC Board of Directors has the authority to allow Board Member participation in meetings by audio or video conference if that Board member is prevented from attending in person for one of the following reasons:

1. personal illness or disability;
2. employment purposes or business of the public body;
3. a family or other emergency;
4. unexpected childcare obligations

The following procedures shall be followed for the participation of a Board member by audio and/or video conference in an open or closed session meeting of the Board or a committee of the Board:

If a quorum of the members of the Corporation are physically present as required by the Open Meetings Act (5 ILCS 120/2.01), a majority of the Board of Directors may allow a member of the Board to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; (iii) a family or other emergency, or (iv) unexpected child care obligations. "Other means"; is hereby defined as a video or audio conference. If a member wishes to attend a meeting by other means, the member must notify the Board Secretary before the meeting unless advance notice is impractical. When a member is attending by remote electronic participation, the Secretary shall, upon taking the roll, announce to the public that the member notified the Secretary in accordance with this policy and that the member is attending by remote participation, unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members of the Board physically present at the meeting. If no such motion is made and seconded, or if any such motion fails to achieve the required vote by the members of the Board physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the Board and the presiding officer shall declare the requesting member electronically present. After such determination of remote participation, the question of a member's electronic attendance may not be reconsidered. Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. If the member is allowed to attend, the minutes shall reflect that the member or members were attending by remote electronic participation. The electronic equipment used for remote participation shall be of such quality that the members present, and the public shall be able to hear the comments of the members participating. The member attending by remote electronic participation shall have the same rights to participate in discussions and vote as if the member was physically present. A member attending electronically may leave a meeting and

return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

1. The Board Member must inform the Board Chair or designee and the Board secretary as soon as possible of expected participation in a meeting by audio and/or video conference so that necessary arrangements can be made. The Board Member must state the reason why he/she cannot attend the meeting, and it must be one of the four reasons enumerated above.

2. The Board Member shall participate by conference call broadcast by speaker phone or video conference so that all persons in attendance at the meeting (including members of the public) may hear the Board Member and the Board Member may hear all persons in attendance at the meeting.

3. The Board Member participating by audio or video conference must announce his or her presence and audio and/or video participation to all persons in attendance at the meeting.

4. A quorum of the Board must be physically present at each meeting to establish a quorum. The Board Member participating by audio and/or video conference may not be counted for purposes of establishing a quorum but may participate fully in the meeting and any action to be taken.

5. If the Board Member participating by audio and/or video conference has provided notice and a qualifying reason for his/her absence, that Board Member shall be entitled to participate in the meeting unless the members physically present vote unanimously to exclude the Board Member.

6. The minutes of the meeting must reflect the Board Member's presence and participation by audio and/or video conference.

7. The meeting must comply with all other requirements for open meetings established by law.

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Revised-Approved Date: June 10, 2024

Legal References: The Open Meetings Act, 5 ILCS 120/1 et seq.
The School Code, 105 ILCS 5/10-6, 10-20
Freedom Oil Company v. Illinois Pollution
Control Board, 655 N.E.2d 1184 (4th Dist. 1995)