

ORDINANCE NO. 2012-16

**AN ORDINANCE ADOPTING STANDARDS FOR VACANCIES OF OFFICE
FOR THE HARVEY PARK DISTRICT.**

* * *

PREAMBLES

WHEREAS, the Harvey Park District (the "District") is a duly organized and existing park district located in Cook County, Illinois; and

WHEREAS, the District is a park district created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Park District Code of the State of Illinois, as supplemented and amended; and

WHEREAS, the District is authorized to enter into intergovernmental agreements and contract with other units of government and taxing bodies for a variety of programs and functions; and

WHEREAS, the Board of Commissioners of the District (the "Board") is authorized to vote to approve any intergovernmental agreement or contract; and

WHEREAS, the Board specifically acknowledges that certain offices are deemed incompatible by the State of Illinois; and

WHEREAS, the Board finds there to be a conflict of interest in the duties of a District Commissioner which preclude any District Commissioner from holding any second elected office while serving as a District Commissioner due to the aforesaid; and

WHEREAS, the Board specifically acknowledges that the holding of the office of District Commissioner precludes the simultaneous tenure in any second elected public office and that this creates an immediate vacancy in the office of District Commissioner; and

WHEREAS, the Board additionally finds that in the event that any District Commissioner misses three (3) unexcused regular meetings within one (1) calendar year, the office of said District Commissioner is deemed vacant; and

WHEREAS, the Board finds that it is necessary for conducting District business and in the best interests of the District to adopt standards related to the aforesaid;

NOW, THEREFORE, BE IT ORDAINED by the Board of Park Commissioners of the Harvey Park District, Cook County, Illinois (the "Board"), as follows:

Section 1. Incorporation of Preambles.

The Board hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by reference.

Section 2. Purpose.

The purpose of this Ordinance is to adopt standards regarding vacancies on the Board.

Section 3. Authorization.

The Board hereby determines that if a District Commissioner fails to attend three (3) regular meetings within one (1) calendar year, and has no approved excuse for being absent and upon a public hearing before the Board regarding any Commissioner's failure to attend the requisite number of regular meetings and by a majority vote of the Board, the Commissioner shall be deemed to have vacated his or her office of District Commissioner and said office of District Commissioner shall be deemed vacant. The Board hereby determines that if a District Commissioner simultaneously holds any

second elected office, the Commissioner shall be deemed to have vacated his or her office of District Commissioner, regardless of which office the Commissioner held first, and said office of District Commissioner shall be deemed vacant, subject to a hearing on the vacancy held by the Commissioners at a meeting subject to the Open Meetings Act, where all parties may be represented by counsel and present evidence. The Board further finds that the simultaneous holding of any second elected office by a currently sitting Harvey Park District Commissioner is a refusal and repudiation of said Commissioner's oath of office. The Board hereby ratifies any and all previous action taken to effectuate the intent of this Ordinance and authorizes and directs the President of the Board (the "President") or the Board's designee to execute any and all documentation and to take any additional steps that may be necessary to effectuate the intent of this Ordinance. The District Secretary is hereby authorized and directed to attest to and countersign any documentation as may be necessary to carry out and effectuate the purpose of this Ordinance. The District Secretary is also authorized and directed to affix the Seal of the District to such documentation as is deemed necessary. The officers, employees and/or agents of the District are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with this Ordinance and to effectuate the goals of this Ordinance.

Section 4. Headings.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

Section 5. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

Section 6. Superseder.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 7. Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the District as provided by the Park District Code of the State of Illinois, as supplemented and amended.

Section 8. Effective Date.

This Ordinance shall be effective and in full force immediately upon passage and approval.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

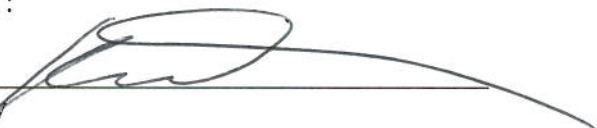
PASSED, this 20 day of December, 2016.

APPROVED, this 20 day of December, 2016.



President

ATTEST:



Secretary

Ayes: 3

Nays: 0

Absent: 2

Other: _____

