

McHENRY COUNTY MERIT COMMISSION

MINUTES OF WEDNESDAY, APRIL 8, 2009

The meeting of the McHenry County Merit Commission was called to order at 10:30 a.m. on April 8, 2009 with all members in attendance as shown by roll call. Also in attendance: Eugene Lowery, Undersheriff; Susan Connor, Attorney (telephonically); and Gus Philpott.

MINUTES

The commission reviewed the minutes of August 8, 2007, November 20, 2007, December 6, 2007, December 17, 2007, October 21, 2008, and November 8, 2008. Following discussion, Mr. Good moved to approve the minutes of August 8, 2007, November 20, 2007, December 6, 2007, and December 17, 2007. Motion seconded by Ms. Urch and carried with all ayes.

Mr. McAndrews moved to accept the minutes of November 8, 2008 as presented. Motion seconded by Mr. Goode and carried with all ayes.

Ms. Connor informed the commission that a letter of complaint had been received from the State's Attorney alleging that a meeting conducted telephonically on October 21, 2008 was a violation of the Open Meetings Act pursuant to Section 120/2.01. The member of the public who had filed the complaint with the State's Attorney's Office was present at the Merit Commission meeting. Chairman Crowley and Ms. Connor thanked Mr. Philpott for bringing his concerns to the attention of the commission.

Ms. Connor explained that the reason for the telephone meeting was to ensure a quorum to comply with statutorily imposed time limits for scheduling matters related to the receipt of a Complaint from the Sheriff. In an attempt to meet the statutory time limit (because a quorum of members to meet physically in the same location was not possible), the telephonic meeting was scheduled. Ms. Connor explained that the Open Meetings Act permits telephonic meetings (by its Section 5 ILCS 120/1.02) but only if a quorum of members of the public body are physically present at the location of the meeting ((per Section 5 ILCS 120/2.01).

Following discussion, Ms. Urch moved to amend and ratify the minutes to reflect that the telephonic meeting of October 21, 2008 commenced at 3:11 p.m.; Holly Eddy, Merit Commission secretary was physically present in the County building with a speaker telephone in room 210; Mr. Gus Philpott, member of the public, was physically present in the same room; and on the telephone connected to each other and room 210 were Chairperson Crowley, Member Urch, Member Mack, Attorney Susan Connor, representing the commission, and Attorney Heidi Parker, representing an officer who was made the subject of a complaint by Sheriff Nygren. Motion seconded by Mr. Mack and carried with all ayes.

Mr. Philpott addressed the Commission concerning the minutes of the October 21, 2008 meeting and the motion passed (above). Following discussion, Mr. McAndrews moved to amend the minutes and ratify the matters of business taken at the October 21, 2008 meeting:

1. The telephonic meeting of October 21, 2008 commenced at 3:11 p.m.; Holly Eddy, Merit Commission secretary was physically present in the County building with a speaker telephone in room 210; Mr. Gus Philpott, member of the public, was physically present in the same room; and on the telephone connected to each other and room 210 were Chairperson Crowley, Member Urch, Member Mack, Attorney Susan Connor, representing the commission, and Attorney Heidi Parker, representing an officer who was made the subject of a complaint by Sheriff Nygren.
2. The commission accepted the special limited appearance of Ms. Heidi Parker as counsel for the officer that was the subject of the complaint filed by the Sheriff.
3. The commission accepted Ms. Parker's consent to waive the 30 day requirement for commencement of a hearing; and
4. All parties agreed that the matter of the pending complaint would be continued to February 18, 2008.
5. The meeting closed at 3:15 p.m.

Motion seconded by Ms. Urch and carried with all ayes following a roll call vote.

PUBLIC PARTICIPATION

See discussion above.

BILLS

The commission reviewed the payment of bills. Following review, Ms. Urch moved to authorize the payment of bills presented. Motion seconded by Mr. McAndrews and carried with all ayes.

NEW BUSINESS

Leave of Absence – The commission reviewed a request for a leave of absence from merited status for a period of one year. Ms. Urch moved to approve the requested leave of absence for the period February 28, 2009 through February 28, 2010. Motion seconded by Mr. McAndrews. Following discussion, the motion carried with all ayes.

Lieutenant and Sergeant Eligibility Lists – Mr. Mack moved to approve the Lieutenant and Sergeant eligibility lists as presented. Motion seconded by Mr. Goode and carried with all ayes.

Merit Commission Rules – Ms. Connor presented the commission with several proposed amendments to the current Merit Commission Rules. Ms. Connor suggested the commission consider deleting a section referencing an applicant being acceptable to the commission following an investigation of background, reputation, character, employment records, and fingerprints. Ms. Connor stated the commission does not review anything after the eligibility list is created. The commission discussed the need to continue the process of performing oral interviews. Ms. Connor informed the commission that the oral interviews conducted by the commission is an expensive process and doesn't typically result in many failures. Undersheriff Lowery informed the commission that the Sheriff's Department does preliminary background investigations prior to calling applicants for an interview. A section concerning residency was determined to be unnecessary since residence requirements are addressed in the union contract. Following discussion, Mr. McAndrews moved to accept the draft amendments to the Merit Commission Rules. Mr. Mack seconded the motion. Ms. Urch stated that she would feel more comfortable tabling the matter until the next meeting. Following discussion, the consensus of the commission was to table the matter until the next meeting.

Patrol Exam – Undersheriff Lowery informed the commission that the current entry level eligibility list is nearly exhausted. Ms. Urch moved to request Purchasing do an RFQ from Stanard and Associates to do an entry level patrol exam on a date mutually acceptable to the vendor, the Sheriff, and the commission. Motion seconded by Mr. Mack and carried with all ayes.

OTHER BUSINESS

Undersheriff Lowery informed the commission that the Sheriff has recommended that Janelle Crowley be appointed for another term on the Merit Commission. The Undersheriff thanked the commission for all their work.

Motion to adjourn at 11:23 a.m. by Mr. McAndrews. Motion seconded by Ms. Urch and carried with all ayes.