

MANAGEMENT SERVICES COMMITTEE
McHenry County Government – Administration Building
667 Ware Road
Woodstock, IL 60098

MINUTES OF TUESDAY, JANUARY 12, 2010

Chairman Schuster called the Management Services Committee meeting to order at 8:30 a.m. The following members were present: Chairman Ersel Schuster; Tina Hill; Kathleen Bergan Schmidt; Lyn Orphal; Yvonne Barnes; Pete Merkel and Paula Yensen. Also in attendance: Ken Koehler, County Board Chairman; Peter Austin, County Administrator; John Labaj, Deputy County Administrator; Tom Sullivan and Paul Lerner, IT; Adam Lehmann, Administration Intern; John Hadley, Facilities Management; Ralph Sarbaugh, Associate County Administrator-Finance; interested public and the press.

Ersel Schuster, Chairman	
Yvonne Barnes	Tina Hill
Pete Merkel	Lyn Orphal
Kathleen Bergan Schmidt	Paula Yensen

MINUTE APPROVAL

Committee members reviewed the Management Services Committee minutes of December 8, 2009. Ms. Hill made a motion, seconded by Ms. Barnes to approve the minutes as presented. The minutes were approved with all members present voting aye on a voice vote.

PUBLIC COMMENT

Ms. Patricia Kennedy joined committee members and stated at the last committee meeting they discussed an ordinance that was presented during the December committee meeting. She noted there was a lot of conjecture regarding this document and what it was about. She stated that there should have been dialogue and questions asked in order to make an informed decision.

PRESENTATION

None

NEW BUSINESS

Update on State's Attorney review of proposed disclosure ordinance: Chairman Schuster stated that this item is being moved up on the agenda since the Assistant State's Attorney needs to be in court. Ms. Cindy Schaupp, Assistant State's Attorney joined committee members to answer questions regarding a proposed ordinance that was presented by the Alliance for Land, Agriculture and Water. She stated that this was an initial review and if committee members had any questions to please direct them to her in the State's Attorney's office. She identified concerns she has, based upon her initial review. The first part stated that the ordinance would be adopted pursuant to 55 ILCS 5/5-12001 et. seq. This statute is for county zoning and refers to the authority to regulate and restrict location and use of structures. This would not be the proper statute to enact this type of ordinance. The ordinance also states that the ordinance is not intended to replace the provision of 5 ILCS/4A and 5 ILCS 4/A-101. These are not accurate statutes. Ms. Schaupp states she believes they are referring to 5 ILCS 420-101, which is the Illinois Governmental Ethics Act. On page 4, section 6b – it requires that Public Officials file a revised disclosure statement within thirty days following any event that would require a change in any information or disclaimers contained in the statement or disclaimer on file with the County Clerk. This is currently required one time per year. If this proposed ordinance is adopted, it would cause a lot of additional work for the County Clerk. The first paragraph on page 5 is already addressed in the County Board rules and therefore is superfluous. Further down there is a paragraph that discusses violation of this ordinance. The County Board is not the legislature and can only exercise those powers granted to it by the legislature. The County Board cannot make an ordinance violation subject to a misdemeanor or felony it can only enforce an ordinance violation. Currently the State already mandates a Disclosure of Economic Interests. By enacting this proposed ordinance it would seem both the state and county forms would have to be completed and filed with the County Clerk. This causes a duplicative workload and fails to adhere to the green effort of the County. If adopted applicants for all boards would have to file these forms as well. Committee members requested this issue placed back on its agenda for discussion and invite members of the Alliance for Land, Agriculture and Water to attend the committee meeting to answer questions from the committee.

Resolution authorizing workers' compensation claim settlement: Committee members reviewed a Resolution authorizing workers' compensation claim settlement. This claim is for a corrections officer that injured her pinkie finger during an altercation with an inmate. This affected a nerve in her hand. An independent medical examiner stated that this was a long standing symptom of a pre-existing condition. At that time, her benefits were terminated. The employee had surgery on her finger and returned to work without any restrictions. The employee retained counsel at which time our workers compensation attorney reevaluated the claim. Based upon his review, a settlement of \$34,756 was negotiated for a settlement. The employee would not be reinstated for

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sick time, leave time or salary. If this was taken before the workers compensation commission it could result in the reinstatement of these benefits as well as an open medical claim for her hand for life. Committee members voiced concern regarding this claim but stated they understand the reasoning behind the decision. Short of changing legislation, these types of claims will continue. After discussion, Ms. Yensen made a motion, seconded by Ms. Barnes to recommend approval of the above Resolution as presented. The motion carried with the majority of members present voting aye on a roll call vote (Barnes, Hill Orphal, Schmidt, Yensen, Schuster) aye (Merkel) nay) Mr. Labaj stated that as a county of 1300+ we have very low claims. Annually the County spends approximately \$270,000 for workers compensation claims.

Update on construction projects: Treasurers' Office; Archive storage facility and the EECBG energy projects: Mr. Hadley joined committee members to provide updates for various construction projects. The Treasurers' department has been substantially completed. The final payouts will take place in the next couple of weeks. The Treasurers' office was originally scheduled to move in this past week. Because of weather and the desire to have all of the alarms installed prior to moving into the facility, they will be moving into the facility this Thursday. This project has come in under budget.

Archive Storage: Mr. Hadley informed committee members that they have been working on a RFP to build a prefab storage facility next to the evidence barn. The building will be approximately 13,000 square feet. 10,000 would be use for archives and the remaining would be used for additional storage. It is hopeful that this building could be constructed sometime this summer. Committee members were reminded that the old Valley Hi facility is currently being used for storage. This has proved to be very expensive. It was determined that between the money used to heat and cool the facility and ongoing testing for mold, could be shifted as part of a debt service payment. The Sheriff has agreed to allow the county to build this facility next to the current evidence barn. This seems to be a good solution for storage for the County. There has been no final decision to build this facility.

EECBG: Mr. Hadley joined committee members to provide an update on the Energy Efficiency and Conservation Block Grant (EECBG). Representatives from Washington DC from the Department of Energy will attend a meeting this afternoon to see where the County is spending some of the grant money received from the EECBG. Sieman's will be joining the group for a tour and presentation to the representatives. If any of the committee members are interested in attending the presentation and tour they will begin at 1:00pm in conference room B.

Recording of Committee Meetings - Discussion: Chairman Schuster informed committee members that this item was placed on the agenda per her request. She stated that not all comments from the meeting are being noted. She questioned if the secretaries should be recording all the meetings. Currently only executive sessions and the County Board meeting are recorded. Committee members voiced concern that we would be setting ourselves up to create verbatim minutes. Committee members stated they are concerned that because one person's comments were not noted that this would create additional work and costs. They noted it would be better if each committee would encourage submission of comments in writing. Committee members voiced concern that they are not named specifically in some of the comments. It was stated that if you want to note a message, they should say something like "let the records show", so that they will be named for a comment. Committee members stated that the committee members all have a chance to make changes and corrections to minutes and they would hate to see additional work and expense because of one incident. It was suggested that the Open Meetings Act be reviewed to find out what should be included in the minutes and to caution the minute takers to make sure they know and understand what is being said. Committee members directed the County Administrator to review the Opens Meeting Act and report the findings back to the committee.

Department Head reporting responsibilities to the County Administrator: Mr. Austin reported that in his duties as Administrator, he has been stretched thin, so, he will be delegating some of his responsibilities to transition some individuals to report to others. The current structure has Mr. Austin handling the quarterly reviews for 18 individuals/Department Heads. To help alleviate some of this the Planning and Development Director will handle the reviews for the Water Resource Manager; The Associate County Administrator-Finance will handle the reviews for the Purchasing Director, Human Resource Director and Administrative Analyst. The Deputy County Administrator will handle the reviews of the Workforce Investment Board Director, Workforce Network Director and EMA Director. Mr. Austin stated that he thinks this would be a better way to manage some of these individuals as well as transition some individuals to report to others. This will change some org charts and job descriptions as well. Committee members agreed that this was a lot of work for just one person and these changes are reasonable. Barry Valentine and Carl Martens indicated they will be leaving in the Spring. Updates will be provided along the way. Committee members requested that this information be provided to all the County Board members so they are aware of the changes being made in the department. Committee members requested a copy of proposed changes attached to the minutes.

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REPORTS TO COMMITTEE

Mr. Hadley joined committee members to provide an update on a ComEd Curtailment program that the County is a part of. The County had a contract with ComEd to shed 750 KW. Last year KW reimbursement was \$42.00 per KW. ComEd gave us a check for \$32,000. Since the testing of our ComEd Curtailment program, we found that we could shed 1200 KW. Therefore, we now have a contract with ComEd to shed 1200 KW. The contract price for this year is \$63.00 per KW. Each year these contracts are reviewed with the Utility company and the County. If during the testing, we only use 1000 KW, then we only get a check for \$63,000.00. If we shed greater than the 1200 KW we will get a check for \$75,600.

Mr. Austin informed committee members that they continue to look for an appropriate date to hold the Strategic Planning meeting for 2010. Because of conflicting dates, it looks like this meeting will be held on March 12th. This will allow time to get ready for the meeting. This date will be announced to the whole county board. The plan was built last year so this half day event will allow for updates to the plan as well as time to give consideration to fund some projects. Mr. Austin reported that he has been meeting with Department Heads on the plan and how it fits into their departments.

Committee members were informed that before the remodel took place in the Government Center, there was a Subway in the facility that served food. When the remodel project began, the Subway moved out and a sandwich cart that served sandwiches, coffee and pop was located in the lobby. Because the sandwich cart was not making money they moved out as well. Additional vending machines will now be installed in the courthouse to allow for some food service in the courthouse. There will be a small cost associated with this change to install water and electrical lines to accommodate the additional machines. The funds received from the sales from the vending machines are used to purchase artwork for the County facilities and the employee's holiday party. Mr. Austin requested permission to use the proceeds from the vending machines to pay for the costs to run these lines. Committee members agreed this would be a good idea. They asked if there could be better more healthy choices available in the vending machines. It was suggested that the bottled water cost be decreased to be in line with the true cost of water. Committee members were informed that the prices are set by the vendor and the County receives a percentage of the sales. The Vendor will be asked if they would be willing to change the prices on the water. Mr. Austin reported that these machines will be installed by the end of the month.

Mr. Austin reported that an RFP has been sent out for codification services. The County is focusing on placing the documents on line. Because of the expense, just a few bound copies will be created. This has taken one year to complete. There will be a small ongoing cost for yearly updates and maintenance. The costs will be reviewed with each vendor that submits a response to the RFP.

Mr. Sullivan reported that the County sustained a power hit on December 23rd that did damage to its UPS. It took 12 hours to get this unit up and running. The generator kicked on but the voltage regulator was not tight enough to stay on. The UPS vendor came out and fixed the unit. They do not know the cause of the surge. He stated they have been working with the County Insurance to address this issue. Tests have been run and the unit is running okay. Committee members voiced concern at the loss of power.

Ms. Hill and Ms. Orphal left committee at 9:26a.m.

EXECUTIVE SESSION

Ms. Schmidt made a motion, seconded by Ms. Barnes to enter executive session at 9:28a.m. to review executive session minutes. The motion carried with all members present voting aye on a roll call vote (Barnes, Merkel, Schmidt, Yensen, Schuster) Also present: Mr. Austin and Mr. Koehler.

Ms. Barnes made a motion, seconded by Mr. Merkel to return to regular session. The motion carried with all members present voting aye on a roll call vote (Barnes, Merkel, Schmidt, Yensen, Schuster)

Ms. Schmidt made a motion, seconded by Ms. Barnes to release the executives session minutes of July 13, 2004, August 10, 2004, January 11, 2005, March 22, 2005, April 12, 2005, May 10, 2005, June 14, 2005, August 9, 2005, September 27, 2005, October 11, 2005, November 8, 2005, December 6, 2005, December 13, 2005, January 10, 2006, January 24, 2006, February 28, 2006, March 14, 2006, April 11, 2006 and April 25, 2006 as recommended by the State's Attorney. The motion carried with all members present voting aye on a roll call vote. (Barnes, Merkel, Schmidt, Yensen, Schuster)

Ms. Barnes made a motion, seconded by Ms. Yensen to approve for review by the State's Attorney, the executive session minutes of March 13, 2007, March 27, 2007, April 24, 2007, June 26, 2007, July 24, 2007, September 25, 2007, October 23, 2007, June 24, 2008, September 9, 2008 and May 26, 2009. Committee members noted some typographical errors in the minutes of April 24, 2007, June 26, 2007 and May 26, 2007. Ms. Barnes and Ms. Yensen

Approved 01.26.10

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agreed to the amendments. The motion carried, as amended, with all members present voting aye on a roll call vote (Barnes, Merkel, Schmidt, Yensen, Schuster)

ADJOURNMENT:

The meeting adjourned at 9:50a.m. on a motion by Ms. Yensen, seconded by Mr. Merkel with all members present voting aye.

RECOMMENDED FOR COMMITTEE/BOARD ACTION

Resolution authorizing workers' compensation claim settlement

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