

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

MINUTES OF TUESDAY, FEBRUARY 23, 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; Lyn Orphal; Yvonne Barnes; Pete Merkel; Kathleen Bergan Schmidt and Paula Yensen. Also in attendance: Ken Koehler, County Board Chairman; Peter Austin, County Administrator; John Labaj, Deputy County Administrator; Adam Lehmann, Administration Intern; John Hadley, Facilities Management; Cindy Schaupp, States Attorney; Tom Sullivan, IT; representatives from ALAW (Alliance for Land Agriculture and Water); 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 February 9, 2010. Chairman Schuster stated she has requested that attendance by the ALAW members included and that Ms. Yensen has requested that the ALAW members return for continued discussion. Ms. Yensen made a motion, seconded by Ms. Orphal to approve the minutes as amended. The minutes were approved with all members present voting aye on a voice vote.

PUBLIC COMMENT

Ms. Jane Collins from Woodstock, IL joined committee members to make two requests. The first request is that the ordinance proposed by ALAW to strengthen disclosure requirements be maintained as a strong as form as possible and for all the provisions of the Illinois Governmental Ethics Act incorporated into it. It was noted that a copy of this letter has been provided to the States Attorney as well. She stated that there is a provision in the Act that would make those subject to the Act guilty of a Class A misdemeanor if they willfully file a false or incomplete statement. It is unclear who would enforce this provision. Ms. Collins requested an answer of who would enforce this provision and it be incorporated in the County's disclosure ordinance.

Ms. Mary Maltman joined committee members to request they adopt the proposed ordinance that would require McHenry County Board Members, department heads and appointees to boards and commissions to list their real estate holdings and interests in businesses doing business with the County. She referenced a news article regarding a recent poll that have been taken that states that 62% of Americans think that most members of Congress do not deserve to be re-elected and only a third would like to see most members of Congress re-elected. She stated that she is not claiming that these discussions have met the same standards as the above polls, but, it is an excellent move to propose the disclosure ordinance.

Pat Kennedy from rural Harvard joined committee members regarding comments from the past meeting concerning "special interest groups". She stated that when you stop to think about it, every group that comes before the County Board or committee of the County Board would be considered a "special interest group". Every group has a special focus and when they speak they are usually speaking about that certain narrow focus. She stated that whether it is ALAW, the Council of Churches, The Land Conversance or the Association of Realtors, they all have a special area of focus and it is important that everyone consider that.

Mr. Joe Daleiden from ALAW joined committee members to endorse what has been said during public comment. He stated that mistrust by citizens in their government, gives the radical groups teeth. He stated that more open government is needed and officials need to be able to disclose what is owned by each individual and for each person to recuse themselves from a vote when needed. He stated this would show the citizens they are "open".

Mr. Evert Evertson from Harvard, Illinois, joined committee members to speak in support of the Resolution to the General Assembly supporting repeal of the Illinois Undervote Notification Law of 2007. He stated that he is an election judge he was very frustrated and he does not know how many individuals did not vote because of the "undervote" law. He questioned how ballots could remain secret if an election judge has to review a ballot in order to find out why the machine is beeping. He stated the board also has his full support to move back the date of the General Primary Election. He stated that by passing these Resolutions the County Board would help to restore faith in government. He stated that one of the biggest problems currently seen in government is that government is not honest. On November 6, 2009, Judge Andrew P. Napolitano asked a Congressman where in the Constitution the federal government is authorized to regulate everyone. This Congressman replied that most of what Congress does is not authorized by the Constitution, but they do it anyway. Mr. Evertson stated that after reading this it is obvious that real transparency results in return to real government.

PRESENTATION

None

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NEW BUSINESS

Resolution to the General Assembly support repeal of the Illinois Undervote Notification Law of 2007: Committee members were informed that a new copy of the Resolution is on their desks for consideration. Committee members reviewed a Resolution to the General Assembly in support repeal of the Illinois Undervote Notification Law of 2007. Ms. Yensen made a motion, seconded by Ms. Barnes to recommend approval of the above Resolution as submitted. Ms. Schultz stated that during a recent County Clerk Association meeting a County Clerk was in the office during a time when two individuals came in for early voting. When these individuals completed their voting, the County Clerk knew that they voted for him. It is doubtful that SB2503 will even get to the Senate floor for discussion. This issue may have to be challenged in court if the issue can't even get out of committee. The motion carried with all members present voting aye on a roll call vote (Barnes, Hill, Merkel, Orphal, Schmidt, Yensen, Schuster)

Resolution to the General Assembly supporting amendment to the Election Code to move back the date of the General Primary Election: Committee members reviewed a Resolution to the General Assembly supporting amendment to the Election Code to move back the date of the General Primary Election. Mr. Labaj stated there is a draft Resolution on their desks for consideration. Ms. Hill made a motion, seconded by Mr. Merkel to recommend approval of the above Resolution as presented. Ms. Yensen made a motion, seconded by Ms. Hill to amend the resolution to remove "to allow their voices to be heard". The sentence would now read "to protect the rights of all Illinoisans by scheduling elections for the convenience of voters. She also stated she would like to state that the dates should be no earlier than the third (3rd) Tuesday in March and no later than the first (1st) Tuesday in May. Mr. Labaj stated there are currently two bills in front of the house that recommends the date to be changed to the 3rd Tuesday in June. Ms. Schultz stated that their association does not have a problem with the primary being held in March or April since they use both schools and student judges. If school is out, they would not have the availability of using the schools. She stated that the association does prefer an April date and to make uniform years. After a lengthy discussion, the amendment carried with all members present voting aye on a voice vote. The main motion carried with all members present voting aye on a roll call vote (Barnes, Hill, Merkel, Orphal, Schmidt, Yensen, Schuster)

OLD BUSINESS

Discussion of proposed disclosure ordinance: Committee members were joined by Ms. Emily Berendt and Mr. Rob Perbohner as representatives from ALAW (Alliance for Land, Agriculture and Water) for continued discussion on the proposed disclosure ordinance. Committee members were questioned whether they had forwarded their questions and concerns to ALAW as requested during the previous meeting. Committee members voiced concern with the conflict of interest portion on page five at the bottom of the page which states that "no person can serve on a commission or board if they have a particular business" that regulate that business. The exception would be if they have a "State" license. Committee members stated that for some of the boards, they are looking for expertise to include on a board or commission. They stated this portion is illogical and impractical. The committee members stated that this ordinance has to fit all commissions and boards so it is important to make sure this doesn't prevent individuals from volunteering for positions. It was suggested that the group figure out what needs to be disclosed and what should be included in the ethics ordinance and then request the State's Attorney to review the document. They all agreed that disclosure is needed but questioned where the middle ground should be. They questioned if this committee meeting is the venue to review this document. The ALAW representatives stated that this is a "starter" document and they have already agreed to rewrite this and they have stated they are happy to revise parts of the document. It was stated that this ordinance requires adoption by "local" government, but, the county does not have jurisdiction in the local municipalities and villages. These entities are governed by their own ordinances. The committee members questioned what "any" means as one point states that the individual must report "any indebtedness". They stated that these issues need to be more clearly defined. Gifts are covered under the gift ban act so they questioned if this needed to be included within this document. It was noted that the gift ban act does not ask for disclosure donors and if a person or agency should make a donation and then a vote is brought up concerning this agency, this individual should recuse themselves from the vote. The representatives stated this is strictly for those that donate large amounts of money. They stated that the amount could be increased to address concerns. Committee members questioned if "in kind" services need to be included as well. Committee members stated that the most important issue is that this document is understandable to all. Right now there are too many questions remaining in order to have a document that is understandable by all. The document must be consistent with other current policies and ordinances. Some of the requirements in this document are already addressed within other documents so it will be important to make sure they read the same. Committee members stated this disclosure document requires "applicants" to a board or commission to disclose this information as well and they felt it would turn away good people from applying to a board if they were aware of this requirement, especially prior to being appointed to a board. Some committee members voiced concern that the way this document is written is so vague they could be opening themselves up to a political vendetta.

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Ms. Hill and Ms. Orphal left committee at 9:29a.m.

Committee members were questioned whether they have reviewed examples of disclosure ordinances from other States. Chairman Schuster stated these States have found a way to come up with a workable document and it can be worked out here as well. She stated that she feels that the remaining issues are minor concerns and it is our responsibility to work out the issues on the document. She requested committee members to review their issues with the document and forward their concerns to AWAL so they can rework this into a workable document. She stated that the committee members need to email concerns prior to the next committee meeting so the issues can be reviewed prior to the committee meeting. Committee members voiced concern regarding the personal right to keep medical information private. According to this document, this information would have to be included.

REPORTS TO COMMITTEE

Administrator: Mr. Austin reported that interviews were held yesterday for four candidates that have applied for the Assessor position. Additional interviews are scheduled for next Monday. A couple of teams were set up for these interview sessions.

A meeting has been scheduled to lay out the Strategic Agenda scheduled for March 12th

The Valley Hi Administrator is scheduled to start on March 15th.

Mr. Austin reported he would be attending the Illinois Association of County Administrators Association conference in Normal tomorrow.

EXECUTIVE SESSION

None

ADJOURNMENT:

The meeting adjourned at 9:53a.m. on a motion by Mr. Merkel, seconded by Ms. Schmidt with all members present voting aye.

RECOMMENDED FOR COMMITTEE/BOARD ACTION

Resolution to the General Assembly supporting repeal of the Illinois Undervote Notification Law of 2007
Resolution to the General Assembly supporting amendment to the Election Code to move back the date of the General Primary Election

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