

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

MINUTES OF MONDAY, JUNE 27, 2011

Chairman Schuster called the Management Services Committee meeting to order at 8:30 a.m. The following members were present: Chairman Ersel Schuster; Kathleen Bergan Schmidt; Sandra Salgado; Donna Kurtz; and Paula Yensen. Barb Wheeler arrived at 8:33 a.m. Anna May Miller was absent. Also in attendance: John Labaj, Deputy County Administrator; Tom Sullivan and Paul Lerner, IT; Adam Lehmann, Assistant to the County Administrator; Jamie Rein and Jessica Drahos, Assistant State's Attorney; and the press.

Ersel Schuster, Chairman	
Donna Kurtz	Anna May Miller
Sandra Salgado	Kathleen Bergan Schmidt
Barbara Wheeler	Paula Yensen

MINUTE APPROVAL

Committee members reviewed the Management Services Committee minutes of June 13, 2011. Ms. Yensen made a motion, seconded by Ms. Schmidt recommending approval of the minutes of June 13, 2011 as presented. The motion carried with all members present voting aye on a roll call vote.

PUBLIC COMMENT

None.

PRESENTATION

None.

Chairman Schuster noted that some of the items will be taken out of order in order to allow for the interviewee's for the Ethics Commission to arrive.

Ms. Wheeler arrived at 8:33 a.m.

NEW BUSINESS

*Resolution Authorizing Entering into a Contract with Gavers Excavating for the Demolition of the Old Valley Hi Nursing Home Facility:* Ms. Salgado made a motion, seconded by Ms. Kurtz to recommend approval of the above Resolution as presented. Committee members were informed that everything has now been removed from the old Valley Hi facility and Sheriff's Training in the facility has been completed. The facility has been abandoned and is ready to be demolished. There were 45 bids solicited with 10 bids received for asbestos removal and demolition of the old facility. This Resolution includes a budget not to exceed \$50,000 for site improvements once the building has been removed. This includes a new driveway for access to the Valley Hi garage and well house behind the abandoned facility. Concrete curbs will also be placed around the existing site. The motion carried with all members present voting aye on a roll call vote. (Kurtz, Salgado, Schmidt, Wheeler, Yensen, Schuster)

*Resolution Authorizing a Salary Adjustment to Position Number 020-0024-08 (Network Engineer II) in the Information Technology Departmental Roster:* Ms. Schmidt made a motion, seconded by Ms. Salgado to recommend approval of the above Resolution as presented. Mr. Lerner stated that the IT department has had difficulty in finding and retaining qualified persons for these positions. If they are qualified, they do not have the experience needed and if they have the experience, they want more money. It is hopeful that this Resolution will address the needs in the department. It was stated that they may need to create a new level to attract and retain the personnel for the position. This is a critical position in the department and in the past they have needed to hire consultants, at a much higher cost, to address the needs within the department. The motion carried with all members present voting aye on a roll call vote (Kurtz, Salgado, Schmidt, Wheeler, Yensen, Schuster) Committee members agreed that this Resolution should be moved forward to the Human Resources Committee with instructions to review a possible reclassification of this position.

## MANAGEMENT SERVICES COMMITTEE

June 27, 2011

Page 2

*Interviews for appointment to the McHenry County Ethics Commission:* Committee members interviewed Mr. William Hauck, Scott S. Logan, Cheri R. Rickert, Thomas B. Spencer and John J. Donahue for consideration for appointment to the McHenry County Ethics Commission. Mr. Labaj noted that after the selection of the appointees it would be appropriate to convene a meeting to offer training on the policies and procedures of the Ethics Commission. Committee members were informed that Ms. Connee Meschini was unable to attend today's meeting. They were informed that she is a member on the Mental Health Board, which may cause a conflict if a member from the Mental Health Board comes before the Commission. Committee members stated that they did not feel that Ms. Meschini would be a good fit for the Commission. Ms. Kurtz made a motion, seconded by Ms. Wheeler to recommend the appointment of Ms. Cheri R. Rickert and Mr. Thomas B. Spencer to the McHenry County Ethics Commission for a two year term to expire in February 2013. It was noted that the County Board Members should be trained as well and questioned if this should fall under the duties of the Ethics Commission. It was noted that the Ethics Commission was organized to address the State Statute and address violations of the gift ban act and prohibition of political activities. The commissioners are not organized to address issues under the Open Meetings Act. Mr. Labaj noted that he is working with the Human Resources Department on getting the employees trained on the Ethics Ordinance. Since this training involves a large number of employees they are thinking of providing the training to high level employees so these employees could then provide the additional employees down the line. Committee members questioned if an online training session could be created for the employees. This training could include a sign off in order to show they have completed this training. Mr. Labaj stated he would check into this type of training for the employees. The motion carried with all members present voting aye on a roll call vote (Kurtz, Salgado, Schmidt, Wheeler, Yensen, Schuster)

*Resolution Authorizing Entering Into an Agreement with Symantec for Software Maintenance and Support:* Ms. Yensen made a motion, seconded by Ms. Salgado to recommend approval of the above Resolution as presented. Mr. Sullivan stated that this software enables archiving of the County email and file system content, which is backed-up daily. This also allows access to updates if needed. The motion carried with all members present voting aye on a roll call vote (Kurtz, Salgado, Schmidt, Wheeler, Yensen, Schuster)

*Resolution Authorizing a Five Year Network Server Lease with Cisco Capital Leasing for Cisco Network Servers and an Emergency Appropriation to the Fiscal Year 2011 Non-Departmental Budget:* Ms. Schmidt made a motion, seconded by Ms. Yensen to recommend approval of the above Resolution as presented. Mr. Sullivan stated that an Emergency Appropriation has been included in order to get this into this year's budget. According to the Generally Accepted Accounting Principles, the purchase price must be recorded as an expense against the budget in the year the equipment is received. This lease has been extended for five years instead of four years. Mr. Sullivan stated that the discussions for the business continuity solutions will be held at a future meeting. The motion carried with all members present voting aye on a roll call vote (Kurtz, Salgado, Schmidt, Wheeler, Yensen, Schuster)

Mr. Sullivan stated that he supports the committee's suggestion to reclassify the network Engineer II position in IT. He stated the person in this position received their MBA. With this addition, there was nowhere for them to move up into. He stated it is tough to keep those with this extensive experience and is difficult to hire in this competitive IT climate. The department is requesting 5 new persons, including 2 network engineers. These shortages have caused issues within the IT department.

*Treasurer's Building:* Mr. Hadley and Mr. Chris Hanson, from Kluber and Associates joined committee members for discussion on the issues occurring in the Treasurer's facility. Mr. Hanson was involved with the construction that took place in the Treasurer's building. Committee members were informed that two leaks have been located on the west basement wall in the facility. These leaks were previously repaired with an epoxy injection. They continue to leak, though at a slower pace. They have also located additional leaks at the location of the kiosks. The drawings show some waterproofing has been done in this area, though this waterproofing system has not been located. Water is forcing itself onto the wall and finding cracks to enter into the building. The work being suggested will relieve the pressure created by this water. Some of these leaks are sporadic and when it occurs it seems to drip from the ceiling. This causes issues in the department, though mold has not been found yet. They are trying to fix this issue before it becomes a bigger problem. Committee members questioned about disclosure issues and questioned if the former owners would/could be held responsible. They were informed that that they did have remediation of this issue but now water continues to find its way into the building 1.5 years after obtaining ownership of the facility, the county is now responsible for any repairs to the facility. During construction these issues were

addressed and there were no additional leaks noted during construction. The solution to this issue is to get a warranted waterproofing system installed and tie this in with the existing foundation, with drainage, in order to alleviate these issues. A ten year warranty would be included for this system. Committee members questioned why this was being brought to the Management Services Committee. They were informed that they were looking for a funding source for this repair. Committee members questioned if this should be taken to the Building Projects Committee for consideration. They were informed that the Building Projects Committee generally handles full building projects or large remodeling projects, and this is for a repair project only.

Committee members suggested that this issue move forward with a Resolution being brought forward to the next committee meeting for consideration.

Ms. Salgado left committee at 10:25a.m.

*Discussion on the Open Meetings Act:* Chairman Schuster noted that the reason she had placed this issue on the committee agenda to begin the conversation with a suggestion for the Attorney General's office to come to the County to provide a presentation to the County Board Members, attorneys, municipalities, villages and other agencies interested in addressing their concerns on the Open Meetings Act (OMA). In the past there have been issues about emails and the use of electronic media and the complexities of this issue. Committee members questioned if this type of program should be held at a McCog meeting in order to address the needs of the community. It was stated that they do not believe McCog to be a good venue to hold this event as there are not enough attendees to warrant this program at this venue. It was stated that the County should get a joint sponsor for this event in order to generate interest in this type of program. Committee members voiced concern that this would turn into a lecture instead of a training event. It was noted in order to engage in a learning situation, they need training with interaction with an engaged discussion with the presenter. Committee members stated that it is important to get all of the County Board Members trained and it is up to the other groups to do their own training. The County meetings are all open to the public so they could attend the training meeting if interested. Ms. Rein stated that through the State's Attorney's office she does attend two training events yearly, through the Attorney General's office. She noted the Attorney General's website does provide online training for the Open Meetings Act and Freedom of Information Act (FOIA) for those interested. She encouraged everyone to take the training course to get an overview and training for these two issues. It was stated that the County Board needs to be brought together as a group to make sure everyone is brought up to speed on these Acts and any updates or changes made to these Acts. There are also nine pages of FAQ's (frequently asked questions) on the Attorney General website that can answer questions on these issues. Committee members noted that not every board member uses email so they need a different way to get this information out to all the County Board Members. It was suggested that a meeting, similar to the Strategic Planning Session be scheduled on the Open Meetings Act. It was suggested that this become a part of an annual discussion. Constant exposure and training on these issues allows for them to be their best own enforcers of doing what is right. Committee members agreed that the first step should be to train the County Board Members on the Open Meetings Act and the Freedom of Information Act (FOIA). Committee members questioned what the point of training is if a member, who knows the law, is trying to circumvent the law. It was stated that this issue should be addressed in the County Board Rules. They stated there should be a rule that addresses transparency issues. There should be a requirement that all County Board Members be trained in OMA and FOIA (Open Meetings Act and Freedom of Information Act). It was suggested that if a County Board Member does not attend this required meeting or does not pass the testing for these areas, or if they break the rules surrounding these Acts, they should not be eligible to serve as a Chairman or Vice Chairman. It was stated that these leaders need to be held to a higher accountability. Committee members voiced concern about removing a Chairman from that position as it would have to be a blatant issue in order for him to be removed. Committee members noted that the most important issue would be to get all of the County Board Members trained and put requirements in place in order to make sure our County Board Members are all trained appropriately. It was suggested that an announcement be made during the next County Board meeting, July 5<sup>th</sup>, regarding this training and announce that it would be held prior to the next County Board meeting at a Committee of the Whole (COW) on July 19th. Committee members stated that all Elected Officials should be required to get certified in these two issues. Committee members questioned what the sanctions or accountability is in place, in cases of charges brought against a person on these issues. Committee members were informed they could be fined, criminal charges can be brought against them or they could be put in jail. Ms. Rein noted that in her opinion, the Attorney General's officer generally

## MANAGEMENT SERVICES COMMITTEE

June 27, 2011

Page 4

tries to correct the problem and tell someone they can't do this again. Committee members questioned why they continue to discuss these alternate maps, if they were created during this alternate meeting. Chairman Schuster stated that this map was brought forward because of the arguments brought forward during the Legislative Committee. It was agreed that a COW (Committee of the Whole) meeting will be scheduled at 6:00 p.m. prior to the County Board Meeting on the 19<sup>th</sup> in order to hold a training session for all of the County Board Members on the Open Meetings Act. Ms. Rein stated that she has a power point presentation available on this issue. She stated she would print out the FAQ (frequently asked questions) sheet from the Attorney General's office as well. She stated that these question sheets include questions that are asked throughout the year. There is a test that can be taken on the Attorney General Website as well. She stated that the tests are very lengthy, but you can log in and out of the program in order to take the tests as you would like. Ms. Rein stated that there are times that people do not agree with a State's Attorney's opinion and their responses to a request. The opinions are based on Attorney General Opinions that have been researched. They do have a process that is to be followed to address those that don't agree with opinions provided. Committee members stated they would like to see "transparency" in the board rules and requested this to be placed on the next committee agenda for discussion. Committee members stated they also have questions about when they should recuse themselves from a vote or discussion. They questioned if they should be removing themselves from the room when a discussion or vote is taking place on an issue they have recused themselves from. They questioned if there was a tactical reason to do so. Ms. Rein replied that there are different rules for Municipalities and Villages. Some of the differences are that the County Board has 24 board members. If one member leaves the discussion on a major voting issue, it more than likely will not affect the vote, but, if a member from a Municipality, where they only have a 7 member board, a member leaving the room could have a major effect on a vote. She stated in the County's case she would recommend a member leave the room if they should have a financial conflict. She stated this is an issue that should be looked at as well. It was stated that this issue would be included in the conversation surrounding the transparency issues in the County Board Rules.

*IPad Demonstration:* This issue was removed for future discussion.

### OLD BUSINESS

*Tour of the Jail – discussion for future tour:* Chairman Schuster informed committee members that they are looking to schedule the tour of the jail immediately after the second committee meeting in July.

Ms. Rein introduced Ms. Jessica Drahos who has been added to the Civil Division in the State's Attorney's office. Committee members welcomed Ms. Drahos.

### REPORTS TO THE COMMITTEE

*Administrator's Report:* None

*Council of Governments:* None

### EXECUTIVE SESSION

Ms. Yensen made a motion, seconded by Ms. Schmidt to enter into executive session at 11:10 a.m. to review executive session minutes and discuss personnel. The motion carried with all members present voting aye on a roll call vote (Kurtz, Salgado, Schmidt, Wheeler, Yensen, Schuster)

Ms. Wheeler made a motion, seconded by Ms. Kurtz to return to regular session at 11:20 a.m. The motion carried with all members present voting aye on a roll call vote (Kurtz, Salgado, Schmidt, Wheeler, Yensen, Schuster)

It was noted that there was no action taken by the committee during executive session.

Ms. Yensen made a motion, seconded by Ms. Kurtz to approve for review by the States Attorney, the executive session minutes of January 12, 2010, July 13, 2010, May 23, 2011 and June 13, 2011 as presented. The motion carried with all members present voting aye on a roll call vote (Kurtz, Salgado, Schmidt, Wheeler, Yensen, Schuster)

### OLD BUSINESS

None

### MEMBER'S COMMENTS

Approved 07 11 11

MANAGEMENT SERVICES COMMITTEE

June 27, 2011

Page 5

Committee members questioned Mr. Labaj about the appointment of Mr. Schaffer to the Metra Board. Mr. Schaffer was previously appointed to a four year term ending June 30, 2014. An agreement was reached by the Metro County Board Chairman to limit the terms for those board members appointed prior to March 30, 2011 to a two year term. Therefore, Mr. Schaffer's term will expire on June 30, 2012.

Committee members questioned if the Ethics Commission could be granted additional authority to expand the duties to address some of the concerns raised today. It was noted that the County previously had an Ethics Ordinance, prior to the adoption of the State Ordinance, which was the Attorney Generals version of the Ordinance. The County can adopt a stricter ordinance so there is a mechanism to expand the duties of the board.

ADJOURNMENT:

The meeting adjourned at 11:25a.m. on a motion by Ms. Wheeler, seconded by Ms. Schmidt with all members present voting aye.

**RECOMMENDED FOR COMMITTEE/BOARD ACTION**

Resolution Authorizing Entering into a Contract with Gavers Excavating for the Demolition of the Old Valley Hi Nursing Home Facility

Resolution Authorizing a Salary Adjustment to Position Number 020-0024-08 (Network Engineer II) in the Information Technology Departmental Roster

Recommend the appointment of Cheri R. Rickert and Thomas B. Spencer to the McHenry County Ethics Commission for a two year term to expire in February 2013

Resolution Authorizing Entering Into an Agreement with Symantec for Software Maintenance and Support

Resolution Authorizing a Five Year Network Server Lease with Cisco Capital Leasing for Cisco Network Servers and an Emergency Appropriation to the Fiscal Year 2011 Non-Departmental Budget

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