

**KENDALL COUNTY FOREST PRESERVE DISTRICT
COMMITTEE OF THE WHOLE MEETING MINUTES**

MAY 10, 2017

I. Call to Order

President Gilmour called the meeting to order at 5:37 pm in the Kendall County Board Room.

II. Roll Call

Commissioners Cullick, Davidson, Gryder, Prochaska, Purcell, and Gilmour all were present.

III. Approval of Agenda

Commissioner Prochaska made a motion to approve the agenda as presented. Seconded by Commissioner Gryder. All, aye. Opposed, none.

IV. Citizens to be Heard

No public comments were offered by those present at the meeting.

V. Director's Report

Director Guritz provided updates on priority projects including Millbrook Bridge permitting, a letter and proposal sent to the Whitetail Ridge Homeowner's Association for the Henneberry Forest Preserve restoration and mitigation project, and updates on the Omnitrax-Illinois Railway crossing improvement projects and potential crossing agreements.

Director Guritz reported that the Whitetail Ridge Homeowner's Association will review the letter sent, with a change order for the restoration project developed depending on their Board's response.

The Committee of the Whole discussed the approach for access to Millbrook South Forest Preserve. Director Guritz stated that a crossing agreement template has been requested from Omnitrax for consideration. Separately, IDOT will be reaching out to Omnitrax to begin formulation of a tri-party agreement for spend down of the grant funds to complete the crossing improvements at Hoover Forest Preserve.

VI. Subat Project Fund Investment Strategies – The Illinois Fund

Director Guritz presented a report on the Treasurer's Office recommendation for deposit of the Subat Project Fund with The Illinois Fund.

Treasurer Ferko was not able to attend the Finance and Committee of the Whole meetings, but will present her recommendations in the near future for approval.

Director Guritz reported that the District should be able to apply investment earnings to support other District initiatives.

The Committee of the Whole discussed the Subat donation history and restrictions on use of the donated funds.

VII. Fuel Tank Repair or Replacement Costs for Hoover Forest Preserve

Director Guritz presented updates from the Finance Committee's discussion of the topic.

Direction has been received to determine whether equipment refueling needs can be met through purchase of a pickup truck mounted fuel dispensing tank, which may be a more cost effective option.

Commissioner Davidson asked whether there is a tool box currently mounted in the back of the Hoover Forest Preserve pickup truck. Director Guritz reported he wasn't sure, but would look into the option.

VIII. Ellis Equestrian Center Cancellation Policy Recommendations

Director Guritz presented a draft cancellation policy update for Ellis Equestrian Center lessons.

Director Guritz stated that the revised policy pushes back the deadline for advanced notification of cancellations without penalty from 24-hours to 48-hours.

Commissioner Cullick made a motion to forward the proposed cancellation policy for Ellis Equestrian Center lesson cancellations to Commission for approval. Seconded by Commissioner Prochaska. Aye, all. Opposed, none.

IX. Summer 2017 Public Program Fees and Charges

Director Guritz presented the proposed public program fees and charges for the coming summer.

The summer 2017 public program fees and charges will be presented to Commission for approval.

X. Review of Proposed Promotional Discount Offers for Ellis Equestrian Center Programs

Director Guritz presented a report and Finance Committee recommendations for proposed program promotional discounts for Ellis House and Equestrian Center returning program participants.

Director Guritz stated that the goal is to increase equestrian center program enrollments. Information on all equestrian center services will be published on a discount coupon valid through December 31, 2017.

Commissioner Purcell made a motion to forward the proposed promotional discounts as presented to Commission for approval. Seconded by Commissioner Prochaska. Aye, all. Opposed, none.

XI. Kendall County Forest Preserve District Rules of Order – Second Reading

President Gilmour thanked Commissioner Prochaska for his efforts to formulate the proposed Rules of Order, reporting to the Committee that the draft document has been reviewed by the State's Attorney's Office.

The Committee of the Whole discussed the proposed Rules of Order for the Kendall County Forest Preserve District.

The Committee of the Whole discussed a comment received from Commissioner Purcell on the provisions regarding suspension of the Rules of Order.

Commissioner Prochaska stated that on page 7, item "e: These rules may be suspended in any particular case by a vote of 2/3 of the Commissioners present," with a suggested edit to add "with the exception of amending these Rules of Order."

Committee of the Whole discussion centered on whether or not the provisions allowing for the suspension of the Rules of Order by a majority of Commissioners should be included.

The Committee of the Whole reviewed the provisions for amending the rules of order included on page 16, Article V.a.2, which states that "the amendment of the Rules may be adopted only by Ordinance approved by concurrence of 2/3 majority of all Commissioners."

The Committee of the Whole discussed whether the requirement for seven commissioners to amend the rules by Ordinance constitutes too significant of a barrier to conduct District business if an amendment of the rules were needed to address any particular item without this majority present at any given meeting.

Director Guritz stated that the Commission will need to consider amendments to the Rules of Order from time to time to update the document to align to the provisions of the Illinois Downstate Forest Preserve District Act.

The Committee of the Whole generated consensus that the ability to amend the Rules of Order with a positive vote of seven commissioners is appropriate.

The Committee of the Whole revisited whether or not to include the ability to suspend the Rules of Order for any particular business item that needs to be addressed.

President Gilmour suggested there may be times where Commission needs to suspend the rules to address a particular emergency issue.

Commissioner Cullick stated that she would not want to prevent Commission from taking action on a particular issue because the Rules of Order did not provide an opportunity to suspend the rules.

Commissioner Purcell stated that if Commission can suspend the rules at any time, why have them in place at all.

Commissioner Purcell suggested that if the Commission is concerned about barriers to conducting District business, that it should not approve the document.

Commissioner Davidson stated that the discussion needs to move beyond whether or not to have the Rules of Order, further stating that he supports having the document and provisions in place.

Commissioner Prochaska stated that the Rules of Order also serve as a communication tool to remind the Commission on the voting provisions included in the Illinois Downstate Forest Preserve District Act.

Commissioner Cullick stated that she does not recommend approving a document that does not allow Commission to temporarily suspend the rules.

The Committee of the Whole discussed past history of voting requirements, suggesting that Commission has not followed prescribed practice under the Illinois Downstate Forest Preserve District Act in the past.

Director Guritz stated that the purpose for establishing the Rules of Order was part of the recommendations from the State's Attorney's Office as part of the effort to establish separation between the District and Kendall County Board.

The Committee of the Whole could not reach consensus on whether or not to move forward with presenting the Rules of Order as written for approval, which includes the provision allowing for the suspension of the Rules of Order.

The Committee of the Whole did generate consensus that amendment of the Rules of Order should require an affirmative vote of seven Commissioners.

The Committee of the Whole did generate tentative consensus to allow for the suspension of the Rules of Order for a particular meeting, but should not be able to suspend the Rules of Order indefinitely.

Commission examined the paradox that would allow Commission to temporarily suspend the Rules of Order, and with the rules suspended, amend the Rules of Order by vote of a simple majority of the quorum present at a particular meeting.

Commissioner Purcell stated that past politicking was used to pass measures, particularly with land acquisition, outside of the votes required by statute. Commissioner Purcell cautioned that it is not uncommon for Boards to plan ahead in achieve approval objectives.

Director Guritz stated that past votes had been based on traditional understanding that simple majority of a quorum present was needed to approve measures, without consulting the provisions included within the State statutes, which has been corrected in moving forward by including the statutory vote requirements within the Rules of Order.

Commissioner Prochaska stated that the Illinois Downstate Forest Preserve District Act has been reviewed, with relevant provisions included in the proposed Rules of Order to act as a reminder to the Commission of the provisions enacted under State law. An example was provided regarding the appointment of the Treasurer and Secretary provisions by the President of the District. The President appoints, with approval by Commission majority vote.

President Gilmour drew attention to proposed changes in the District's standing committees, and ability to establish ad hoc and advisory committees.

Commissioner Prochaska stated that under the proposed Rules, ad hoc and advisory committee service expires at the end of the President's term of office.

The Committee of the Whole discussed the proposed limitation to the periods for public comment at any meeting of the Commission. The proposed time limitation is 60-minutes for each public comment period, with a 5-minute limit for each individual comment period.

The Committee of the Whole discussed the provisions for remuneration for Commission service. The per diem, under the Illinois Downstate Forest Preserve District Act, is \$36 per meeting for those meetings held on days that Commissioners do not receive a per diem payment for County Board service.

Commissioner Davidson suggested adding a provision requirement the District to pass a balanced budget for each fiscal year. The Committee of the Whole discussed what constitutes a balanced budget, noting that capital bond funds typically are budgeted to spend down the fund balance. Therefore, discussion focused on defining the requirement for approving a balanced budget for the operational fund. The Committee of the Whole discussed establishing a voting requirement to pass the District's budget.

Director Guritz requested clarification on the provisions regarding approval of minutes, suggesting rewording to state that the provisions apply only to regular meeting minutes, as opposed to executive session meeting minutes.

Commissioner Davidson left the meeting at 6:40 pm, and reentered the meeting at 6:42 pm.

The Committee of the Whole reviewed the provisions regarding the ability of the President to veto a positive vote of the Commission, which is included within the provisions of the Illinois Downstate Forest Preserve District Act.

Direction was provided to present the Rules of Order for a third reading at the June Committee of the Whole meeting.

XII. Millbrook Bridge Permitting Updates and Directions

The Committee of the Whole discussed permitting progress updates for the demolition or reconstruction of Millbrook Bridge.

Director Guritz reported that direction has been received to examine the option and ability of the District to sell Millbrook Bridge. The question will be referred on to the State's Attorney's Office for review and opinion.

XIII. Executive Session

None.

XIV. Other Items of Business

None.

XV. Citizens to be Heard

None.

XVI. Summary of Action Items to be Taken

None recorded.

XVII. Adjournment

Commissioner Gryder made a motion to adjourn the meeting. Seconded by Commissioner Prochaska. All, aye. Opposed, none. Meeting adjourned at 6:45 pm.

Respectfully submitted,

David Guritz

Director, Kendall County Forest Preserve District