

Members Present

Mr. Bossert, Mr. Liehr, Ms. Bernard, Mr. Vickery, Ms. Schmidt, Mr. Whitten, Mr. Tripp, Mr. James, Mr. LaGesse, Mr. McLaren, Mr. Whitis, and Mr. Washington

Members Absent

In Attendance

- **Board Members**
- **Department Heads**
- **Others**

Ed Meents and Randy McGill

- **Media**

Leigh Marcotte

1. Call to Order

The meeting was called to order by the Chairman, Mr. Bossert, at 9:00 a.m. Quorum present.

2. Public Comment

3. Approval of Minutes – December 22, 2009

A motion to approve the minutes from December 22, 2009, was made by Mr. Whitten and seconded by Mr. James. Motion carried with a voice vote.

4. Presentations

- **Kankakee County Housing Authority**

Randy McGill, Executive Director from the Kankakee County Housing Authority, gave an update on the Housing Authority's activities.

5. Legislative

Ed Meents reminded the committee that the UCCI reception will be February 23 and the educational seminar will be February 24. He gave a brief update as there is not much going on in the legislature because of the primary election.

Mr. Bossert stated that perhaps UCCI could play a role in assisting counties by offering some level of input on the process of siting cell phone towers.

Ms. Bernard asked if the FOIA included all government employees' performance records.

Mr. Meents stated that to his knowledge it does. The Attorney General's office could give more information in regards to that issue.

6. Information Services

Mr. Duval was not present.

Mr. Bossert stated that Mr. Duval is recuperating from knee surgery. One project that he and Mr. Duval have been conferring on is the website design. We need to get our FOIA link in the website upgraded and add some features. He has had Mr. Duval scouting around to other counties to model off of. They are working on that project.

7. Health Department

Ms. Schaafsma gave an update on H1N1. They still have about 6,000 doses of H1N1 vaccine available. So far, they have given about 8,300 doses countywide. They received 18,000 doses. They are no longer getting the rest of their order shipped to them since the demand is down for the vaccine. They distributed about 4,200 doses to area physicians, the training center, and a few other group type facilities that have medical staff so they could administer it to their clients. It is no longer widespread in any of the 48 states. They are still monitoring school attendance. To date, there has been only one death in the county that was verified to be from H1N1. They are still concerned with funding from the State. Funding continues to be behind. They anticipate that grants that they will start receiving for next year will be cut, so there will probably be cuts to services. Whether they will receive everything that they are contracted for remains to be seen.

Mr. Washington stated that on the onset of H1N1 he heard that there was a high possibility of mutation of it. He asked if there has been any reporting of that.

Ms. Schaafsma stated that she does not believe that they have seen any of that so far. This is the time that they should be seeing seasonal flu and they are not seeing a large existence of that either.

8. Pledge for Life

9. Schools

10. Veterans Assistance Commission

The Committee reviewed the December 2009 VAC report.

A motion to accept the "VAC Report for December 2009" was made by Mr. Liehr and seconded by Mr. LaGessee. Motion carried with a voice vote.

Mr. LaGessee had a question regarding the report.

Mr. Bossert stated that he will follow-up on that and get an explanation next month.

11. Personnel/HR Issues

Ms. Mackin did not have anything to report to the committee.

12. Administrative Issues

a. Appointments

- Appointment of Kevin J. Hack to the K3 County Board of Health

Mr. Bossert stated that he is pulling back the appointment of Kevin Hack to the Board of Health. He has a wonderful resume but a small detail was overlooked and that was the fact that he lives in Ashkum and the statutes require a Board of Health member to be a resident of the county, unless it is an appointment of a medical professional.

- Appointment of Steve Cote to the K3 County Board of Review
Steve is the only qualified candidate in the county at this time because he has passed the required testing by the Department of Revenue.

A motion to approve the appointment was made by Mr. LaGessee and seconded by Mr. Vickery. Motion carried with a voice vote.

b. Openings

- One Opening on the Emergency Telephone System Board (911)
- One Opening on the Will-Kankakee Regional Development Authority
- Two Openings on the K3 County Farmland Assessment Review Committee
- Two Openings on the K3 River Valley Area Airport Authority
- Three Openings on the K3 County Housing Authority – one being a tenant position
- One Opening on the K3 Valley Airport Authority

13. Old Business

Mr. Bossert stated that they are in the process of figuring out appointments for the FOIA officers. The latest thinking in talking to the State's Attorney is that we will end up with perhaps three or four officers around the county. One would be responsible for this building, highway, and animal control. One position would be responsible for the courthouse activity and one position would be responsible for the sheriff's department, corrections, and coroner. Another position would probably be responsible for the health department and 911, separately.

14. New Business

- **Retention of Recordings of County Board Meetings & County Board Committee Meetings**

Mr. Bossert stated that Ms. Bernard had requested that this item be put back on the agenda.

Ms. Bernard stated that she had some information from Livingston County. There was some question as to whether we had the ability to keep records longer than what the Local Records Commission puts in their recommendation. The Local Records Commission recommended Livingston County keep their report for seven years; however, the Board of Health opted to retain the report permanently. She thinks that we have some precedent here to maintain our recordings of our board and committee meetings. She thinks this is something we need to consider.

Ms. Bernard made a motion that we preserve the recordings of the county board and committee meetings permanently and Ms. Schmidt seconded it.

Ms. Bernard amended the motion to include that as part of our internal policy or county code, whichever document is most appropriate. Ms. Schmidt agreed. The amendment to the motion passed with a voice vote.

Ms. Bernard restated her motion "preserve the recordings of the full county board meetings and the county board committee meetings permanently and to have that enumerated as written policy in either the internal policy or county code, whichever documents provides the most appropriate vehicle for this".

Discussion

Mr. Liehr stated that we have two separate issues here because the state's statutes require the County Clerk to be the official record keeper of county board meetings. The county board committee meetings are the responsibility of the Chairman of the County Board. His biggest difficulty is in understanding our authority to tell a countywide elected official what policies he should be following when he is directed by state statute. He has serious trouble with that part of the motion because he thinks we are putting an elected official in a position where we are telling him something to do that we don't have the authority to tell him what to do because it is not our jurisdiction. The county board committee meetings may be a different animal. We may be able to tell a chairman what to do; although, even there our form of government is

somewhat vague in the sense that at what point does the Chairman become an executive official rather than a legislative official. Because the motion includes both, at this point it would be better for us to consider action in which we applaud both the County Clerk and the Chairman for what they done and create more of sense of a body with a resolution that says that we agree with the current practices of the Chairman and of the County Clerk and request that we maintain them rather than get ourselves in some kind of a dilemma where we are asking the County Clerk to violate his duties and where we are going beyond our authority.

Ms. Schmidt stated that she respects Mr. Liehr's concerns, but she thinks the County Clerk is a reasonable man and if it is true that he has the sole authority over our records she thinks he would go along with whatever the board decides. If we make a policy that we want to keep these records, she doesn't think he would have a problem with that. She thinks we should pass this.

Mr. Whitis stated that he really doesn't understand what the hesitation is on this. He thinks we need to take a stand and let people know how we feel about the records. It is a permanent history of this county and he doesn't know why we would want to get rid of them so he thinks that it is appropriate that we do pass this motion to say that we do respect the history and future of what may happen by keeping the records as the motion states.

Mr. Tripp stated that the question is about records. The audio records are used to prepare the printed records and those are the ones we should be looking at.

Mr. Bossert stated the Public Records Commission requires that the written minutes be kept indefinitely and they are the official record of the county.

Mr. Whitten asked what was being changed.

Mr. Bossert stated that he is interpreting this as there is unease about the fact that the Local Records Commission document that gives the County Board authority to apply for permission to dispose of a record states that 30 days is a sufficient holding period for a electronic recording. Even though as practice we continue to hold them longer and will continue to hold them longer, the point is that the LRC document only states 30 days and will continue to state 30 days. There is this argument that this is historical. His counter to that is that we are not in the business of history; we are in the business of running a unit of government. The Board's record speaks through their minutes and their written documentation. He does have a problem giving the County Clerk policy out of this committee when he is charged with the duty of maintaining county records. He thinks if we wish to study this motion and review what has been provided today as far as information he would be willing to entertain a motion to table this for a month and then further discuss and review this situation.

Mr. Whitten made a motion to table this motion until next month and Mr. Tripp seconded it. Motion passed with a roll call vote of 10 ayes and 2 nays.

Ms. Bernard stated that she can appreciate Mr. Liehr's comments about a resolution supporting our current County Clerk and Chairman, and while that is a wonderful thing to do, people come and go. If we do say that, we are saying that we are supporting the current policy of destroying the recordings of the county board meetings because under the LRC report they can do that. The important thing about keeping the recordings is that it provides a context into how we make decisions. Our minutes are simply a synopsis and if this can help future boards make better decisions then it is worth it. She asked who pays for all the recording equipment.

Mr. Bossert stated that he is not for sure whose budget it came out of.

Ms. Schmidt requested that this information from Livingston County be placed in the record.

Mr. Bossert stated that it would.

Mr. James stated that it is immaterial what the responsibility of the County Clerk is; what we are discussing is what responsibility we want to take-on over and above what the Clerk does. The thing that concerns him is the cost factor and the storage factor. If neither of those are an objectable issue he doesn't see that we have a major problem here, and he has to agree with Mr. Whitis that what is wrong with keeping records for history's sake if nothing else. We owe it to our constituents.

Mr. Bossert stated that if we take the volition that we will retain the records permanently then now we have the responsibility of maintaining them permanently. We have ten years of recordings and that is it. Before that, we have handwritten steno notes. The first four years of the ten years are cassette tapes. Are we going to sit and upload those to a hard drive somewhere? That will take a long time to do. He was thinking that he would like to dispose of those cassettes and then the CD's could be uploaded to a hard drive somewhere.

Mr. McLaren asked if it would be advisable for Bruce Clark to come to this meeting next month to explain some of the concerns that have been thrown around. He doesn't think 30 days is long enough to hold onto the recordings, but he is questionable about keeping them indefinitely. We have a process with our minutes where we do have an opportunity every month to amend those minutes to add or correct. He would like to hear about what kind of space is going to be needed, how long it is going to take, and are we going to have to have someone full-time going back through the last ten years of recordings to do this. He thinks there is going to be quite a cost factor.

Mr. Bossert stated that these are all valid questions so in the course of the month let's work on a presentation and bring Mr. Clark in and continue this.

Mr. Vickery stated that he doesn't have a problem with the recordings, but if you get down to the technical end of it we do not approve a recording. The recording is only an addendum to the minutes. What we approve each month is a written synopsis and that is what is approved.

Mr. Bossert stated that Mr. Whitlow was here last month and he was back again Monday and they were cleaning out the closet in the board room to see what are original records and what are duplicates. He was here to continue to refine the application and build a better inventory of records that are available around the county. We will continue to discuss this issue with him, as well.

Ms. Schmidt questioned who is in possession of the recordings. Instead of the recordings being an addendum to the minutes, she thinks it is the other way around. If you don't want to save them indefinitely, save them for at least ten years.

Mr. Bossert stated that he is in possession of the committee recordings and County Clerk has the county board recordings. He will argue the statement that the audio tapes are the real deal and the written minutes are just a brief synopsis.

Mr. Liehr stated that he would like to make it clear that he has no difficulty with the current policies and those current policies are preserving the records. He has difficulty with us telling someone else what to do when we are not legally qualified to do that with regards to the County Clerk. There are reasons why our government developed successfully and he deeply believes in the quality of the concepts that are described on the national level as separation of powers. This county government should not act in a way that destroys those kinds of fundamentals of our governing principles. He doesn't have any problem with preserving records because the current officers are doing that and he hopes they will continue to do that. If they fail in their duty, it is voters and others who have a responsibility to call that to attention. For us to act in a way which undermines fundamental principles of our government he finds a serious problem.

Ms. Bernard stated that technology is evolving and she thinks you will find recordings becoming more and more of the record. As far as the cost of transferring, we are only talking about four years of cassette tapes. Sometime back, the Recorder of Deeds office was not busy so she put her employees to work scanning documents from the 1800's. Transferring four years of recordings would be minimal compared to that. Right now there is an unwritten policy of preserving these records but the written record says that they can be destroyed after 30 days.

Mr. Washington stated that he has thought about this thing long and hard and he tends to agree with Mr. Liehr. The County Clerk is given authority by the State as to how long you need to keep those records. He doesn't believe we can tell the County Clerk what to do. We can request it but that is of this County Clerk and if another County Clerk eventually takes over then that County Clerk could revert back and do what the state statute tells him to do. He is for somewhat of a limitation on how long we keep the recordings. He would think ten years would be a sufficient time because regardless of how little space it is still using space.

Mr. Bossert stated that upstairs on the 5th floor there is a little bit of reorganization in our office. For the next six to eight weeks Chris Richardson will be spending time across the street at the Alliance Office. They were in need of a fill-in for a maternity leave and it made sense to share staff that we already have instead of hiring more. He still wants to move the mailboxes into a back room away from public access.

15. Adjournment

**A motion to adjourn at 10:24 was made by Mr. Washington and seconded by Mr. LaGessee.
Motion carried with a voice vote.**

Mike Bossert, Chairman
Joanne Langlois, Executive Coordinator