

**McHENRY COUNTY CONSERVATION DISTRICT
BOARD OF TRUSTEES
MINUTES OF MARCH 24, 2020**

1.0 CALL TO ORDER

The scheduled Regular Monthly Meeting of the Board of Trustees of the McHenry County Conservation District was called to order at 5:02 p.m. by President Scacci on the evening of Tuesday, March 24, 2020 via Video Conference by Zoom under Gubernatorial Disaster Proclamation - Executive Order 2020-07 Suspending the Open Meetings Act (5 ILCS 120/2 & 120/7) which limits remote participation of the public body and requiring a quorum be physically present in a public space. The meeting was available for public access through the same logon and meeting code as the Trustees. Trustees called in from home as did the public and staff.

Executive Director Kessler shared a screen of the agenda items for those with video access.

2.0 PLEDGE OF ALLEGIANCE

President Scacci asked that the Pledge be skipped this evening.

3.0 INTRODUCTORY ROLL CALL - All present via Video or Telephonic participation.

3.1 Roll Call

Trustees Present: Vernon Scacci, President
Dave Brandt, Vice President
John Henning, Treasurer
Carolyn Campbell, Secretary
Patrick Fritz, Trustee
Bill Cook, Trustee
Linda Thomas, Trustee

Counsel & Staff Present: Scott A. Puma, Legal Counsel
Elizabeth S. Kessler, Executive Director
Ed Collins, Director of Land Preservation & Natural Resources
Andy Dylak, Director of Administration & Finance
John Kremer, Director of Operations & Public Safety
Wendy Kummerer, Director of Marketing & Education
Anne Basten, Executive Assistant
Laura King, Police Chief
Shawna Flavell, Development Director/McHenry County
Conservation Foundation Executive Director
Val Siler, Land Preservation Manager
Jenny Heider, Human Resources Manager
Gabe Powers, Special Projects Coordinator Natural Resources

Others Present: Kimberly Hankins, Trustee Emeritus
Kevin Ivers, Trustee Emeritus, VP McHenry County
Conservation Foundation
Cynthia Kanner, Environmental Defenders of McHenry County
Lori McConville, Environmental Defenders of McHenry County
Chris Zientko, Facilities Maintenance Manager
Perry Weborg, Sites & Fleet Manager
Ben O'Dea, Sites Supervisor
Chad Secor, Ranger
Steve Stabenow, Ranger
Mary Deja, Ranger
Other members of the public logged in and off

3.2 Remote Participation

A motion was made by Secretary Campbell, seconded by Vice President Brandt, to allow the Board of Trustees to attend remotely through electronic participation as per Administrative Policy #2.04.02. The basis for missing the meeting is due to personal illness and per the State of Illinois Gubernatorial Disaster Proclamation - Executive Order 2020-07 suspending requirements that members of the public body must be physically present. A roll call vote gave the following results: Fritz-yes, Cook-yes, Brandt-yes, Thomas-yes, Campbell-yes, Henning-yes, Scacci-yes.

Motion passed unanimously.

4.0 **ADOPT THE AGENDA**

President Scacci asked for a motion to adopt the agenda with the removal of item 5.1 Special Recognition until such time as the honorees could be physically present.

A motion was made by Trustee Fritz, seconded by Vice President Brandt, to adopt the agenda with the removal of Item 5.0, 6.0, 7.0 and 8.0 as requested. A roll call vote gave the following results: Brandt-yes, Campbell-yes, Cook-yes, Fritz-yes, Henning-yes, Thomas-yes, Scacci-yes.

Motion passed unanimously.

5.0 **SPECIAL RECOGNITION**

This item was removed from the agenda.

6.0 **TRUSTEES REPORT**

This item was skipped to save time.

7.0 **COUNTY BOARD LIAISON REPORT**

County Board Liaison Nowak was not present to report.

8.0 **PRESIDENT'S REPORT**

This item was removed from the agenda.

9.0 **PUBLIC COMMENTS**

Kim Hankins, Trustee Emeritus, Crystal Lake, thanked the board and staff for keeping the sites open and had been at Pleasant Valley Conservation Area the previous day.

Cynthia Kanner, Environmental Defenders of McHenry County from Algonquin, thanked the board for the online access to this evening's meeting to make it easier for her to attend and appreciates all the District does to protect the environment.

10.0 BOARD BUSINESS - CONSENT AGENDA

- 10.1 Approval of Minutes of Previous Meetings
 - 10.1a February 8, 2020 - Special Call - Conservation Congress
 - 10.1b February 18, 2020 - Finance & Administration Committee
 - 10.1c February 18, 2020 - Special Call
 - 10.1d February 20, 2020 - Committee of the Whole
 - 10.1e February 25, 2020 - Regular Session Public Meeting
 - 10.1f March 4, 2020 - Special Call Meeting
 - 10.1g January 16, 2020 - Executive Session I & II
- 10.2 Acceptance of the Treasurer's Report for February 29, 2020 as presented.
- 10.3 Second Reading. Ordinance #20-973 amending the Personnel Policy and Procedural Manual to establish policy 9.32 Workplace Bullying and to modify Appendix P - Transgender Policy.
- 10.4 Authorization to prepare specifications and letting of bids for the exterior repairs and re-roofing of the Prairieview Education Center (BID 0320.15.01).
- 10.5 Authorizing the preparation of specifications and letting of bids for the exterior painting of the Brookdale Birches Building, Region VI Ranger Shop and the Wiedrich Barn and Out Building (BID #0320.15.03).
- 10.6 Authorization to prepare specifications and letting of bids for the purchase of two 6x6 ATV's with rear box for natural areas management work countywide (BID #0320.08.01).
- 10.7 Authorization to prepare specifications and letting of bids for contractual herbicide application to treat invasive weeds and brush on District sites countywide for FY 2021 (BID #0320.08.02).
- 10.8 Resolution #20-17 authorizing the Executive Director to execute a Financial Assistance Agreement with the United States Fish and Wildlife Service in the amount of \$15,000 for a summer seasonal crew to work on District and other properties in the Hackmatack National Wildlife Refuge and to sign all applicable forms.
- 10.9 Resolution #20-18 authorizing the Executive Director to execute Change Order #7 removing the trail section between Barnard Mill Road and the first bridge thus reducing contracted total sum by \$32,354 with Schroeder Asphalt Services, Inc. of Huntley, IL for the asphalt resurfacing of the Prairie Trail Link (BID #0218.09.02-CO7).
- 10.10 Authorization to solicit Request for Qualifications (RFQ) for providing Professional Civil Engineering Services for the Stream Erosion and Trail Stabilization of the Prairie Trail South, Algonquin, IL (RFQ #0320.09.01).
- 10.11 Resolution #20-19 accepting the 2020 Conservation Congress Congressional Session Summaries as presented.
- 10.12 Resolution #20-20 authorizing the Executive Director to execute a contract for the Hot-Mix Asphalt Patching of Entrance Roadway & Thomas Woods Campground Roadway, Marengo Ridge Conservation Area, with Chicagoland Paving Contractors, Inc. of Lake Zurich, IL, the

- lowest responsible and responsive bidder, for a cost not to exceed \$55,000 (BID #0120.09.01-RA).
- 10.13 Resolution #20-21 accepting the 2019 Hunting Program Report and recommended program adjustments for 2020 Hunting Directives.
 - 10.14 Ordinance #20-974 authorizing the Transfer of Funds between Budget Line Items GL 01-06-601 and 01-06-605 to GL 01-06-602 in the General Fund in the amount of \$6,055 for FY 2020.
 - 10.15 Resolution #20-22 authorizing the Executive Director to execute the Joint Grassland Venture lease agreement on the 85.3^{+/-} acre NOB3 located at North Branch Conservation Area to the highest responsive bidder, Tyke Nichols of Hebron, IL at a rate of \$77.00 per acre for a period of three (3) years (BID #1219.08.01).
 - 10.16 Resolution #20-23 authorizing the Executive Director to execute the Joint Grassland Venture Lease Agreement on the 16.2^{+/-} acre RUC1 Parcel located at Rush Creek Conservation Area to the highest responsive bidder David Laufer of Crystal Lake, IL at a rate of \$23.00 per acre for a period of three (3) years (BID #0120.08.02).
 - 10.17 Resolution #20-24 authorizing the Executive Director to execute the agriculture lease agreements to the highest responsive bidder on the 38.4^{+/-} acre Kayser Parcel located at Brookdale Conservation Area to Robert Haraden of Haraden Farms & Stables, Inc of Libertyville, IL at a rate of 30.5% acre; the 19.3^{+/-} acre Sass Parcel located at Glacial Park Conservation Area to Cham M. Bauer of McHenry, IL at a rate of 50.68% acre; and the 20.3^{+/-} acre Taylor Parcel located at Rush Creek Conservation Area to Chris and Kyle McKee of Woodstock, IL at a rate of 15.5% acres for a period of three (3) years (BID #0120.08.03).
 - 10.18 Resolution #20-25 - Adoption of FY 2021 Legislative Program
 - 10.19 Ordinance #20-975 authorizing the acquisition of the real property commonly known as the Dollman Trust Parcel and the execution of the attached Real Estate Contract.
 - 10.20 Resolution #20-26 approving the reclassification of the position of Director of Marketing and Education (Administration - Grade 21 to Grade 24) effective April 1, 2020.
 - 10.21 Resolution #20-27 approving the FY 2021 Salary Schedules as presented.
 - 10.22 Ordinance #20-976 authorizing the Transfer of Funds between Budget Line Items GL 01-05-201, 01-05-203 and 01-05-204 to GL 01-10-201, GL 01-10-280 and GL 01-10-284 in the General Fund in the amount of \$14,238 for FY 2021.

A motion was made by Secretary Campbell, seconded by Trustee Thomas, to approve Board Business-Consent Agenda Items 10.1 through 10.22 as presented after being read aloud. A roll call vote gave the following results: Thomas-yes, Henning-yes, Fritz-yes, Brandt-yes, Campbell-yes, Cook-yes, Scacci-yes.

Motion passed unanimously.

11.0 NEW & UNFINISHED BOARD BUSINESS

- 11.1 Approval of Bills Payable for the Month of February 2020
 - 11.1a Treasurer's Internal Audit

Director of Administration and Finance Dylak had provided the requested information from the previous meeting in writing which was shared with the Board of Trustees in advance. All items were in compliance with the purchasing policy and procedures. There was a question about the copies of checks actually being attached.

It was requested that the following documents be pulled for review: E8546 - E-Vergent - \$1,765; W0513-Woodstock Farm Lawn - \$155.65; and F3394-FedEx - \$107.41.

11.1b Consideration to approve the payment to Conserve FS as indicated on the Submission of Bills Pending Report for the period ending February 29, 2020.

A motion was made by Vice President Brandt, seconded by Secretary Campbell, to approve the payment of Conserve FS as indicated on the Submission of Bills Pending Report for the period ending February 29, 2020 as presented. A roll call vote gave the following results: Henning-abstain, Fritz-yes, Campbell-yes, Cook-yes, Thomas-yes, Brandt-yes, Scacci-yes.

Motion passes 6 to 0 with 1 abstention.

11.1c Consideration to approve the payment of the bills as indicated on the Submission of Bills Pending reports for the month ending February 29, 2020.

A motion was made by Trustee Cook, seconded by Treasurer Henning, to approve the payment of bills as indicated on the Submission of Bills Pending reports for the month ending February 29, 2020. A roll call vote gave the following results: Campbell-yes, Thomas-yes, Henning-yes, Cook-yes, Brandt-yes, Fritz-yes, Scacci-yes.

Motion passed unanimously.

11.2 Consideration of Ordinance #20-977 authorizing the Executive Director to execute administrative discretion on emergency actions and policies for the continuity of operations for 90 Days during the COVID-19 pandemic including granting regular IMRF part-time and full-time employees up to two-weeks of paid emergency leave if facilities are closed due to the COVID-19 pandemic.

A motion was made and read aloud by Vice President Brandt, seconded by Trustee Fritz, to pass Ordinance #20-977 authorizing the Executive Director to execute administrative discretion on emergency actions and policies for the continuity of operations for 90 Days during the COVID-19 pandemic including granting regular IMRF part-time and full-time employees up to two-weeks of paid emergency leave if facilities are closed due to the COVID-19 pandemic as presented.

Trustee Cook stated that the District should be fully compliant on all contracts and policies but not beyond what is required, and should not be providing benefits to employees that are not available by the general population. Secretary Campbell stated that this is unusual times and that the federal government has similar plans to take effect on April 1, 2020. Executive Director Kessler confirmed that federal legislation known as the Families First

Coronavirus Response Act (FFCRA) was signed by President Trump on March 18, 2020.

President Scacci stated that the Board of Trustees is very aware this affects all the employees. He then read a prepared statement which highlighted that meetings were streamlined to one per month and that his goal and that of the Executive Director is to keep all staff actively working until a government official tells us otherwise. He noted that 49 full-time team members are working remotely as of this evening; 14 part-time and 16 fulltime employees are working in the field including Police, Rangers, Maintenance, Wildlife Resource Center staff and Mechanics. Governor Pritzker determined our industry to be essential and that will carry us through the Emergency Stay at Home orders. The federal legislation kicks into action in certain circumstances related to the employee or the employee's family members becoming ill with the COVID-19 virus. He noted that a decision on paying employees who are not working under an emergency closing policy does not yet need to be made. Employees can use sick leave and FMLA for qualifying events. He recommended approving of the sick leave bank extension.

Trustee Cook stated that no one can predict what is coming and that Board members should be available for special call meetings if needed to act on specific questions.

Trustee Campbell emphasized the intention of the Ordinance to provide protection for the Executive Director and staff to continue to provide day to day operations and management in a worst case scenario.

Executive Director Kessler thanked the staff for the work they have been doing and noted that some agencies had paid their people to do nothing but our staff has continued to work hard.

The question was called.

A roll call vote gave the following results: Cook-no, Brandt-yes, Thomas-no, Henning-abstain, Fritz-no, Campbell-yes, Scacci-no.

Motion failed by a vote of 4 to 2 with 1 abstention.

Secretary Campbell brought up the need for a discussion on governance and thought the board had understood their role.

Attorney Puma stated that one of the affirmative voters could move to reconsider the motion to allow for further discussion or a motion to suspend the rules could be made. No motion to reconsider was put forth.

A motion was made by Trustee Cook, seconded by Trustee Thomas, to suspend the rules and allow the discussion of a portion of the original Ordinance #20-977. A roll call vote gave the following results: Fritz-yes, Cook-yes, Brandt-no, Thomas-yes, Campbell-no, Henning-yes, Scacci-yes.

Motion passed by a vote of 5 to 2.

Discussion followed regarding the Health Emergency Supplement to the Personnel Policy Manual and the extension through December 31, 2020 of this supplement to align with the federal FFCRA. The consensus was that the balance of the proposed Ordinance 20-977 was acceptable and that the

reference to up to two weeks of pay for emergency closures was not acceptable.

A motion was made by Trustee Cook, seconded by Treasurer Henning, to pass Ordinance #20-977 including the temporary changes to Personnel Policy 10.05 Sick Leave, 11.12 Sick Leave Bank, and Appendix M-Sick Leave Bank extending through December 31, 2020 as revised. A roll call vote gave the following results: Brandt-yes, Campbell-yes, Cook-yes, Fritz-yes, Henning-yes, Thomas-yes, Scacci-yes.

Motion passed unanimously.

President Scacci thanked the Board for the thoughtful discussion.

12.0 EXECUTIVE SESSION

At 6:28 p.m., a motion was made by Vice President Brandt, seconded by Trustee Thomas, to go into Executive Session pursuant to exception 2C1 (Personnel-Appointment of Legal Counsel) of the Open Meetings Act. A roll call vote gave the following results: Thomas-yes, Henning-yes, Fritz-yes, Brandt-yes, Campbell-yes, Cook-yes, Scacci-yes.

Motion passed unanimously.

13.0 RECONVENE

The Regular Monthly Meeting of the Board of Trustees of the McHenry County Conservation District was reconvened to order at 6:39 p.m. by President Scacci on the evening of Tuesday, March 24, 2020, via Video Conferencing.

13.1 Roll Call - All present via Video or Telephonic participation

Trustees Present: Vernon Scacci, President
Dave Brandt, Vice President
John Henning, Treasurer
Carolyn Campbell, Secretary
Patrick Fritz, Trustee
Bill Cook, Trustee
Linda Thomas, Trustee

Counsel & Staff Present: Elizabeth S. Kessler, Executive Director
Ed Collins, Director of Land Preservation & Natural Resources
Andy Dylak, Director of Administration & Finance
John Kremer, Director of Operations & Public Safety
Wendy Kummerer, Director of Marketing & Education
Val Siler, Land Preservation Manager
Jenny Heider, Human Resources Manager
Shawna Flavell, Development Director/Executive Director of
McHenry County Conservation Foundation
Anne Basten, Executive Assistant
Laura King, Police Chief

Others Present: Kevin Ivers, McHenry County Conservation Foundation
Cynthia Kanner, Environmental Defenders of McHenry County
Lori McConville, Environmental Defenders of McHenry County
Amy Peters, Planning Manager
Chris Zientko, Facilities Manager
Perry Weborg, Sites & Fleet Manager
Ben O’Dea, Sites Supervisor
Chad Secor, Ranger
Mary Deja, Ranger
Steve Stabebow, Ranger
Others via phone

14.0 ACTION OUT OF EXECUTIVE SESSION

14.1 Consideration of Resolution #20-28 Appointment of Legal Counsel
A motion was made by Trustee Cook, seconded by Trustee Fritz, to authorize the appointment of Tressler, LLP of Chicago, Illinois to serve as General Counsel to the McHenry County Conservation District until replaced.
A roll call vote gave the following results: Brandt-no, Henning-yes, Cook-yes, Fritz-yes, Campbell-no, Thomas-yes, Scacci-yes.
Motion passed 5 to 2.

15.0 OTHER BOARD BUSINESS

15.1 Consideration of Resolution #20-29 Acceptance of McHenry County Conservation District FY 2021 Project List
A motion was made by Vice President Brandt to adopt Resolution #20-29 accepting the McHenry County Conservation District FY 2021 Project List to move forward to the McHenry County Conservation Foundation as presented.
The motion died for lack of a second.
A motion was made by Trustee Thomas, seconded by Secretary Campbell, to accept the McHenry County Conservation District FY 2021 Project List with discussion. A roll call vote gave the following results: Henning-yes, Fritz-yes, Campbell-yes, Cook-yes, Thomas-yes, Brandt-no, Scacci-yes.
Motion passed 6 to 1.

Vice President Brandt stated that none of the Trustees are professional fundraisers and the Foundation’s Executive Director liked the large list which allowed for flexibility in talking to potential donors. He considered holding up the list as micromanagement.

Several Trustees were disappointed in not being able meet the Foundation Directors socially before the pandemic. A couple were worried that with a lot of projects, many may only get partially funded and then the projects won’t get done.

Executive Director Flavell stated that the purpose of a longer list would be that with larger donors, they could be leveraged through the use of grants and corporate funds and if they can’t quite complete a project, this would be the time to ask for additional Foundation funding. The Foundation board would like insight from the District as to the top priorities and is comfortable with the list they have seen.

Trustee Cook thanked staff for putting the Pichen Loan funding on the list but would like to see it listed with \$500,000 - \$1M.

President Scacci reminded those in the meeting that due to the lack of an approved levy increase, the FY 2022 budget will be even more difficult and he doesn't recommend overwhelming potential donors. He noted that staff has not yet submitted any projects for funding yet.

Director of Land Preservation and Natural Resources Collins was asked about the supplementing of the free native seed nursery to which he responded that staff would like to supplement the existing variety of species on the site but did not want to use tax dollars to do it. He is hopeful that a donor might be interested in assisting with the supplemental seed project allowing for a pollinator grant application either through the Foundation or through the District to be submitted.

President Scacci asked that the Owl Aviary and the Blanding's turtle enclosure be added back to the list and would like them to move forward as a grant request from existing Foundation funds.

A motion was made by Secretary Campbell, seconded by Treasurer Henning, to adopt Resolution #20-29 to move the McHenry County Conservation District FY 2021 Project List with Items 38 and 39 (Blanding's turtle Enclosure and Owl Aviary) moved to the next level and the rest of the list as is. A roll call vote gave the following results: Campbell-yes, Cook-yes, Henning-yes, Thomas-yes, Brandt-yes, Fritz-yes, Scacci-yes.

Motion passed unanimously.

15.2 Consideration of Resolution #20-30 approving the amended position description and title for the Land Preservation Manager (Administration - Grade 20) to Land Administration and Preservation Manager (Grade 20) effective April 1, 2020

Executive Director Kessler explained that the request to be considered is a title and job description update to match the work already being done by the employee with no change in salary range classification.

A motion was made by Secretary Campbell, seconded by Trustee Thomas, to adopt Resolution #20-30 approving the amended position description and title for the Land Preservation Manager (Administrative Schedule - Grade 20) to Land Administration and Preservation Manager (Administrative Schedule - Grade 20). A roll call vote gave the following results: Cook-yes, Brandt-yes, Thomas-yes, Henning-yes, Fritz-yes, Campbell-yes, Scacci-yes.

Motion passed unanimously.

16.0 EXECUTIVE DIRECTOR'S REPORT

Executive Director Kessler expressed her deepest appreciation to the staff as the District was in front of the pandemic with the creation of a response team in advance and she was very proud of their work.

Secretary Campbell expressed her appreciation of Executive Director Kessler's work in a time of crisis and establishing policies and procedures, and noted that the pandemic response team was created 14 days before the Governor declared an emergency. She also listed the planning for a remote board meeting which was

executed with minimal issues and recognized the staff working well as an organized team.

17.0 PUBLIC COMMENTS II

Cynthia Kanner, Environmental Defenders of McHenry County from Algonquin stated that she thought the vote on emergency powers of the Executive Director should have been an easy yes vote because no one know what will happen in the next week and remains appreciative that our parks are open.

18.0 ADJOURN

A motion was made by Treasurer Henning, seconded by Vice President Brandt, to adjourn the meeting. A voice vote resulted in all ayes.

Motion passed unanimously. Meeting adjourned at 8:09 p.m. March 24, 2020.

Respectfully submitted,

Carolyn Campbell
Carolyn Campbell (Apr 23, 2020)

Carolyn Campbell, Secretary

Apr 23, 2020

Date






3.24.2020 Public Meeting Minutes FILE

Final Audit Report

2020-04-23

Created:	2020-04-23
By:	Anne Basten (abasten@mccdistrct.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIAAeIU3FqyHvwHwWQX3vs524LGSLXAyr

"3.24.2020 Public Meeting Minutes FILE" History

-  Document created by Anne Basten (abasten@mccdistrct.org)
2020-04-23 - 5:01:21 PM GMT- IP address: 208.88.94.100
-  Document emailed to Carolyn Campbell (ccampbell@mccdistrct.org) for signature
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2020-04-23 - 5:20:52 PM GMT- IP address: 67.184.171.84
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