MINUTES OF THE JANUARY 7, 2014 BOARD OF COMMISSIONERS MEETING

The monthly meeting of the Board of Commissioners, Plainfield Township Park District, was held on Tuesday, January 7, 2014 at the Plainfield Township Administration Building, 22525 S. Lockport Street, Plainfield.

CALL TO ORDER/ROLL CALL/PLEDGE

President Hurtado called the meeting to order at 6:00 p.m. with the following members present: Steinys, Ludemann, Newton, Silosky, Hurtado

Absent: None

Staff members present: Bergman, Booth, Calabrese, Coldwater, Crisman, Nugent, Peck, Matt Campbell President Hurtado asked Commissioner Newton to lead the pledge to the flag. There were approximately 30 people in the audience.

APPROVE AGENDA

Moved by Ludemann that the board approve the agenda. Seconded by Steinys. Commissioner Ludemann questioned why public comments were so far down on the agenda asked if it could be moved up. President Hurtado said there are a few things that need to be discussed in executive session before moving on to public comments. Roll Call: Steinys-Yes, Ludemann-Yes, Newton-Yes, Silosky-Yes, Hurtado-Yes. Motion Carried.

CONSENT AGENDA

Moved by Steinys that the board approve the consent agenda which included minutes of the November 13, 2013 board of commissioners meeting; minutes of the November 30, 2013 board of commissioners special meeting; bill and claims check numbers 87934-88024; interim check numbers 87601-87933 with check numbers 87632, 87646, 87647, 87690, 87735, 87736, 87741, 87922, 87934, 87969, 87970, 87981, 87982, 87983, 87984, 87985, & 88007 voided; and the treasurer's report July-October 2013. Seconded by Silosky. Commissioner Newton asked what check number 87958 to Government Utilities was for. Doug Booth said that Government Utilities is a consultant that the district has been using in the upgrade of the server. Commissioner Newton asked how much we are paying him. Mr. Booth said we guoted it out and he is a professional named John Stansel from Indianapolis. Mr. Newton asked if we pay for his travel. Mr. Booth said yes. Mr. Newton asked again if we are paying for travel. Mr. Booth said we aren't paying for travel, only for a hotel if he has to stay overnight but we try to avoid that when possible. Commissioner Newton asked what check number 87785 to Gary Fernandez was for. President Hurtado said it was for an attorney fees for the investment policy. Garrett Peck said it was a one-time consulting fee that President Hurtado used that firm for an opinion on the investment policy so two different sets of eyes looked at it. Commissioner Newton asked who initiated the work. Garret Peck replied, President Hurtado. Commissioner Newton asked Mr. Hurtado if he initiated the work. Mr. Hurtado said we got a second opinion. Mr. Newton asked how the firm was selected. President Hurtado said he would get back to the board with that answer. Commissioner Newton asked what check number 87795 to Holland and Knight was for. President Hurtado said it was for the investment policy and we had it reviewed by two different attorneys to be sure are in compliance with all the laws and regulations. Commissioner Newton asked Mr. Hurtado who called them. Mr. Hurtado stated that he did. Commissioner Newton asked Matt Campbell if their law firm reviewed the investment policy. Mr. Campbell said he reviewed the investment policy. Mr. Newton asked why 3 attorneys needed to review the investment policy. Mr. Hurtado said to be sure we are in compliance with the law. Mr. Newton asked if either of the 2 firms were used before. Mr. Hurtado said this is the only time they were used and they both have municipal investment policy backgrounds. Mr. Newton asked how much was spent on outside attorneys to review the investment policy. Mr. Hurtado said he didn't know the numbers. Mr. Newton questioned why 2 other attorneys were reviewing work that was already done by the district's attorney. Mr. Peck said that the board manual states that any professional services over \$10,000 need a board resolution so this in in the parameters of the manual. Mr. Newton said that he understands that but is questioning why 3 firms were used instead of 1. Mr. Hurtado said he didn't feel comfortable with just one firm reviewing the investment policy. Mr. Newton asked Mr. Hurtado if he made that decision on behalf of the board. Mr. Hurtado said he did not, he discussed it with the executive director and the executive director made the decision to use the firms. Mr. Newton said that should be a board decision. Mr. Hurtado said one of the first things he wanted to do when he got elected to the board was to review the board manual because of things like this in it and the board at the time didn't want to review the manual. Mr. Newton said that questions like this never came up before. Commissioner Steinys asked Mr. Newton where he's been during the past months when information like this has been rolling out. Mr. Newton said he is asking about things in this month's board

packet. Commissioner Ludemann asked what check 8755 to John Argoudelis is for. Ms. Ludemann said hiring attorneys is the board's role and is questioning why we are paying all these attorneys when we have a law firm that the district uses. Mr. Peck said there is an executive session matter for land acquisition that we wanted to get another opinion on and that he and the board president spoke about it and he initiated the attorney contact. Commissioner Ludemann said that in the minutes from November 13, 2013 she would like to have it added that she questioned the scope of work being done at the Ottawa Street Pool and was told that it was mold removal. Mr. Peck said it was for a lot more than mold removal. Ms. Ludemann said she was told it was just for mold removal. Mr. Peck told Ms. Ludemann that we can go over the tape and she can come in any day this week to go over it and clarify what was said. Roll Call: Steinys-Yes, Ludemann-Yes, Newton-Yes, Silosky-Yes, Hurtado-Yes. Motion Carried.

EXECUTIVE SESSION

Moved by Steinys that the board go into executive session at 6:12 p.m. to discuss land acquisition and personnel. Seconded by Newton. Roll Call: Steinys-Yes, Ludemann-Yes, Newton-Yes, Silosky-Yes, Hurtado-Yes. Motion Carried.

The board reconvened in open session at 7:05 p.m.

ACTION ITEMS

A) Seeking a Motion to Approve a Proposed Public Comment Policy Included in the Executive Director's Memo Moved by Steinys that the board approve a proposed Public Comment Policy include in the executive director's memo. Seconded by Silosky. President Hurtado asked for any discussion. Commissioner Ludemann said she isn't comfortable with points 2, 3, 4, 7 and 8 because they are too subjective. Mr. Hurtado said the board could discuss each of the items and start with number 2. Ms. Ludemann said that at a second look number 2 might not be so bad. Ms. Ludemann said number 3 is subjective. Mr. Hurtado said it follows Robert's Rules of Order. Ms. Ludemann read item number 4 and said that in the past we've never needed to have such a heavy handed policy and haven't had problems until recently. Ms. Ludemann said she thinks it is too restrictive on the public's freedom of speech. Mr. Hurtado said it doesn't restrict freedom of speech this just refers to personal attacks and that he thinks this a good policy for now. Mr. Peck said this would update the policy in the board manual and that when he drafted the policy much of it came from Bolingbrook Park District's policy. Ms. Ludemann said that number 7 was okay but that 8 was too subjective. Ms. Ludemann asked if we would remove someone from the meeting just because they forgot to put their phone on silent mode. Mr. Hurtado said he understands the point and it would be up to the chairperson to decide. Commissioner Silosky said that when this was discussed this summer she felt some things were too restrictive but we've had some events happen since she's been on the board that brought this about. Ms. Silosky said that the board wants to hear from the public and that is what the Open Meetings Act is about. Ms. Silosky said the personal comments that are being made are throwing things off track. Roll Call: Steinys-Yes, Ludemann-No, Newton-No, Silosky-Yes, Hurtado-Yes. Motion Carried. President Hurtado asked Wendi Calabrese to read the public comment policy at which time she did.

B) Seeking a Motion to Allow Special use Permits for Facility Rentals at the Heritage Professional Center Moved by Steinys not to allow any future rentals that would require special use permits at the Heritage Professional Center. Seconded by Ludemann. Commissioner Newton asked why the Village requires a special use permit for this use. Garrett Peck said the Park District was contacted by the Village because they were made aware that there was religious assembly taking place through a sublease. Mr. Peck said he told them that it wasn't a sublease but a recurring room rental. Cheryl Crisman said the permit is required based on the Village's zoning and since the property is zoned B-5 a permit is required. Mr. Peck said that prior to the Park District leasing the space there was a church there and they were required to have a special use permit. Mr. Peck said that he would like to grandfather this church in and then not allow any future rentals that would require a special use permit from the Village of Plainfield. Ms. Ludemann asked why we wouldn't allow it in the future now that we know a permit would be required. Mr. Peck said one question would be who would pay for the permit because it could be costly. Mr. Newton said the person renting the space should be the one to obtain the special use permit if it is required. Commissioner Steinys said he agrees with the staff recommendation to not allow future rentals requiring a special use permit. Vice President Silosky said she agrees with Mr. Newton. Commissioner Steinys said he doesn't understand why a special use permit is required for a church but not for our preschool program. Paul Fay, a Village Trustee said that special use permits have been issued for preschools and other uses in B-2 and B-5 zoning and that a special use permit is needed when a use is not typically permitted. Commissioner Steinys asked if the Park District needs a permit for preschool. Cheryl Crisman said a special use permit is not required for preschool under a B-5 zoning. Mr. Steinys said he's trying to understand what the

difference is between a preschool and a church to require a permit or not. Mr. Fay said that there zones to accommodate certain uses and when there is a use outside of what it has been zoned a special use permit is applied for. Mr. Steinys asked what the difference is. Mr. Fay said that one is a preschool and one is church which for lack of a better word is a business. Roll Call: Steinys-Yes, Ludemann-No, Newton-No, Silosky-No, Hurtado-No. Motion Fails. Moved by Newton that the board allow special use permits for facility rentals at the Heritage Professional Center as long as the occupant obtains the permit signing the rental agreement. Seconded by Ludemann. Roll Call: Steinys-Yes, Ludemann-Yes, Newton-Yes, Silosky-Yes, Hurtado-Yes. Motion Carried.

PUBLIC COMMENTS

- Pastor Richard Wright, God Is Able Church, said his Church consists of about 15 people and have enjoyed a great
 relationship with the Park District. Pastor Wright said his Church allows the Park District to use their chairs and
 podiums for room rentals and drums for lessons. Pastor Wright said he is happy to be able to continue a
 relationship with the Park District and when they get large enough to move to a space of their own that there will
 still be a relationship.
- Maryam Judar, Executive Director and Community Lawyer at the Citizen Advocacy Center addressed the board about the public comment policy that was just passed. Ms. Judar said the policy has many legally indefensible provisions. Ms. Judar stated that there is objective criteria and subjective criteria and the objective criteria is okay because it can be applied even handedly. Ms. Judar said that the subjective items are used to silence people who dissent the political majority. Ms. Judar stated that it is called viewpoint discrimination which is not allowed under the First Amendment. Ms. Judar said the District's attorney should review this policy.
- Jayme Alwood thanked Mr. Peck for labeling him a radical. Mr. Alwood congratulated Cameron Bettin on being named IPRA Professional of the Year since he was not able to attend the last meeting. Mr. Alwood read that Mr. Bettin resigned and would like to know why. Mr. Alwood questioned why we would want Mr. Bettin or Mr. Less to work at another Park District especially since Mr. Bettin was the Professional of the Year. Mr. Alwood questioned when the board was informed that the Planning Department was being eliminated and if Mr. Bettin's severance package was discussed with the board. Mr. Alwood asked Ms. Silosky if it bothers her that the board majority takes her vote for granted. Mr. Alwood said that according to Mr. Peck's contract he is supposed to inform the board before the hiring or dismissal of a department head and wonders if the board was informed that an entire department was eliminated or when Mr. Booth was hired. Mr. Alwood told Ms. Silosky that he finds her to be very kind and that she doesn't have to follow these people.
- James Racich received an email from Ms. Ludemann that she sent to Mr. Peck and President Hurtado asking for personnel to be added to the next board meeting to discuss Cameron Bettin and his contract. Mr. Racich said the reply that Ms. Ludemann received was that the matter didn't have board support and that he would ask Wendi to send a copy of Cameron's current employment contract. Mr. Racich said that denying Ms. Ludemann her rights is outrageous she has a right to ask for an executive session as a board meeting. Mr. Racich questioned why unqualified people like Mr. Booth and Mr. Peck are hired when qualified employees are let go.
- Michelle Kelly said she has been at almost every meeting since the new board has been seated and has continually brought her concerns which have not been answered. Ms. Kelly asked that the board start to address the public's concerns because people care about the Park District. Ms. Kelly said that decisions are being made behind the scenes and not in front of the public. Ms. Kelly said that Garrett Peck recently said that we're taking a new direction but no direction has been talked about or presented. Ms. Kelly said that from the board packets it looks like people are being hired but there are no positions being advertised. Ms. Kelly asked for transparency.

COMMISSIONER COMMENTS

• Janet Silosky said that section 4.7 of the Board Manual states the executive director is in charge of all day to day functions and section 8.2 states that the board is to rely on the executive direction to handle the administrative function of the District. Ms. Silosky stated that revamping the planning the planning department is within the director's prevue and sometimes the process that leads to decisions made, such as closing the planning department becomes as important as the act itself. Ms. Silosky said that changes and clarifications need to be made in the Board Manual particularly where senior staff members are involved. Ms. Silosky said last night she received a call from a reporter who kept pressing for information about personnel matters which should not be discussed. Ms. Silosky said that the purpose of the Board Manual it to set basic standards for board protocol and conduct and respects previous boards that put it together. Vice President Silosky said that the Park District is doing well and programs are expanding and asked to be allowed to do what needs to be done and added that she cares about what people think and the Park District.

- Mary Kay Ludemann there have been many changes in the organizational make-up of the Park District and that although hiring and firing are decisions of the executive director she wants to point out that the board manual states that creating and eliminating departments is a board level. Planning for the future, goals, policies and hiring of consultants and attorneys are also board decisions. Ms. Ludemann said she is not in support of the elimination of the planning department and that based on population we are the 9th largest park district in Illinois and it is unheard of that a District of our size would not have a planning department. Ms. Ludemann said that with signs of growth beginning again we should not be without a planning department.
- Larry Newton thanked everyone on the Riverfront Foundation and Riverfront Steering Committee and said that he is stepping down from the committee due to work obligations. Mr. Newton said it was pleasure to serve on the committee and is thankful he was involved in it. Mr. Newton said that prior to being elected to the board he would attend meetings and the public was able to interact with the board. Mr. Newton said he is sorry that that atmosphere has gone away and would like to see that happen again. Mr. Newton said that is why he voted no to the Public Comment Policy. President Hurtado thanked Mr. Newton for serving on the committee and said that we will have to find someone to fill his shoes which will be hard to do.

BOARD PRESIDENT COMMENTS

There were no comments.

STAFF REPORTS

Administration

FOIA Report

Wendi Calabrese reported that 8 FOIA requests were received during November and December.

DISTRICT LEGISLATIVE REPORT

Commissioner Newton had no report.

ACTION FOR ITEMS DISCUSSED IN EXECUTIVE SESSION

No action was taken.

NEW BUSINESS

There was no new business.

PRESIDENT'S RECAP OF BOARD DIRECTIVES TO STAFF

There were none.

ADJOURNMENT

Moved by Steinys that the board adjourn the meeting at 8:00 p.m. Seconded by Newton. Roll Call: Steinys-Yes, Ludemann-Yes, Newton-Yes, Silosky-Yes, Hurtado-Yes. Motion Carried.

Respectfully Submitted,

Garrett Peck, Secretary