

MINUTES

Members Present

Ms. Olszewski, Dr. Daake, Mr. Blanchette, and Mr. Coy

Members Absent

Ms. Hodge

In Attendance

- **Ethics Advisor**

Judge Wenzelman

- **Board Members**

Mr. Wheeler

- **Department Heads**

None

- **Media**

None

1. Call to Order/Roll Call

The meeting was called to order by the Commission Chairperson, Toby Olszewski, at 10:30 a.m. Quorum present.

2. Public Comment

None

3. Approval of Minutes: December 20, 2017

Mr. Coy stated that he has a correction under number 6, the last paragraph says "Mr. Coy inquired about the confidentiality...", but he believes that was Dr. Daake who said that.

Ms. Owens stated that she would amend the minutes to reflect the correction.

Mr. Coy made a motion to approve the minutes as amended, and Mr. Blanchette seconded it.

Motion carried with a voice vote.

4. Report as to Complaints Filed

Judge Wenzelman stated there was a complaint that was filed, and he proceeded to go over the chronology of it with the commission. The commission then discussed same at length.

Judge Wenzelman stated that the way he perceives it on how we all operate together is that he receives a complaint and then he investigates it. That's different than doing legal research on it. If there are issues that arise during the course of his investigation, then he would contact the State's Attorney's office and tell them that it's something he needs some guidance on as to what he believes is a legal issue, not an investigative issue. Once that is compiled together, then looking at the ordinance, it's a question of presenting to this body his recommendation as to whether they should proceed or not proceed.

Judge Wenzelman stated that what he would like to do is see what the commission's thoughts are, if they want to take formal action on the complaint at issue.

Ms. Olszewski stated that her personal opinion is, since we've been advised by outside counsel, that this particular complaint is not germane for us because it was made by someone who was not employed, so that seems to end the situation for us. The question then becomes do we send it on?

Judge Wenzelman stated yes, and he thinks that the commission needs to address two things. One, make a determination as to whether or not any further action should be taken on the complaint. That's one aspect of it, and the other aspect of it is there going to be a referral to any other entity.

Ms. Olszewski stated that we should address that first issue. If someone wants to make a motion determining whether or not we should do any further work on this particular complaint.

Dr. Daake made a motion that the commission should not do any further work on the complaint at issue, and Mr. Blanchette seconded it.

Discussion:

Mr. Blanchette asked if this person was a former employee or never an employee.

Judge Wenzelman stated that it was a former employee.

Ms. Olszewski asked if everyone understood the motion, that we would end our action on this complaint based on the fact that we do not have jurisdiction and that information was given to us by competent legal counsel.

Original motion carried with a voice vote.

Ms. Olszewski stated that the second issue is whether or not we should refer this complaint to another office as was suggested by the complainant.

Dr. Daake made a motion that the commission not refer the complaint at issue to another agency, and Mr. Coy seconded it. Motion carried with a voice vote.

Judge Wenzelman stated that he will convey this information to the complainant by email. He also stated that he will need some assistance at times, probably for communications. That may be someone in the Administrative office or State's Attorney's office.

5. Discussion as to Ordinance Revisions

Judge Wenzelman stated that he wanted to go through some of the things he found as a result of this. He suggested setting up a meeting and maybe that could be conveyed over to the State's Attorney's office on the issue of ordinance revisions. Subsequently, perhaps an Ethics meeting could be scheduled to discuss them further, but at least give whoever will be assigned this to have an opportunity to look at them.

Ms. Olszewski stated that's right, and she believes that we, as individuals, should look at the ordinance and see things that, after having been through this process, we might understand why we may need changes.

Judge Wenzelman reviewed and discussed potential problems with and changes to the ordinance with the commission.

Ms. Olszewski stated that she thinks the other item Judge Wenzelman mentioned as well about the assistance to him should be addressed.

Judge Wenzelman stated yes, if there is a necessity of independent legal counsel and as far as communications that may need to be sent by the Ethics Advisor. He also stated that he had difficulty with the designation as "Advisor" because that suggests that he's going to be advising as far as legal issues.

Ms. Olszewski asked what he wanted to be called.

Judge Wenzelman stated that it could be "Administrator", "Investigator", or Ethics Officer, but something other than "Advisor".

Ms. Olszewski asked who the complaints get filed to.

Chairman Wheeler stated that the original ethics ordinance as it was drafted, as they heard, by the person who filed the first complaint, it said the State's Attorney is the Ethics Advisor. He asked to have that changed because what if it was someone in the State's Attorney's office that filed the complaint. It was provided back to the individual who wrote the ordinance and they changed it, but they have since realized that the State's Attorney is not an employee of the county, and other ethics violations against the State's Attorney can be made to the courts in Springfield. When we talk about Ethics "Advisor", if it involves the State's Attorney's office, it requires outside counsel. He wanted to provide how this all came about because when they wanted to do this and do the Whistleblower and put it through the County Board, it was the intent by removing him and the State's Attorney from having anything to do with this process. What they didn't realize, and weren't advised by the individual who wrote this, was that the State's Attorney is not subject to this ethics complaint process here on the local level, only to what happens in Springfield.

Judge Wenzelman stated another thing that's contained in the ordinance at the current time, and he just recently passed this on to Mr. Quinn in the State's Attorney's office, is that all of those who have served on a public body before must file a Statement of Economic Interest. The ordinance as drafted at the current time states that he is supposed to review those. He hasn't seen one yet, and he believes they were due May 1st.

Judge Wenzelman stated that the last item is that the ordinance provides that the ethics officer shall prosecute the complaint. He reviewed and discussed his concerns about this with the commission.

6. Other Business

None

7. Old Business/New Business

None

8. Adjournment

Mr. Coy made a motion to adjourn the meeting at 11:38 a.m., and Dr. Daake seconded it. Motion carried with a voice vote.

Toby Olszewski, Commission Chairperson

Diane Owens, Executive Coordinator