

THURSDAY, MAY 24, 2007
ELEVEN A.M.

UNITED STATES OF AMERICA
STATE OF ILLINOIS
COUNTY OF WILL

Executive Walsh called the meeting to order.

Member Wisniewski led in the Pledge of Allegiance to our Flag.

Roll call showed the following Board members present: McMillan, Woods, Piccolin, Brandolino, Weigel, Riley, Wisniewski, Kusta, Blackburn, Gerl, Goodson, Gould, Rozak, Sheridan, Bilotta, Konicki, Svara, Stewart, Travis, Adamic, Babich, Wilhelmi, Moustis. Total: twenty-three.

Absent: Anderson, Singer, Dralle, Maher. Total: four.

THE EXECUTIVE DECLARED A QUORUM PRESENT.

Member Travis made a motion, seconded by Member Weigel, the Evidence of Publication be placed on file.

Voting Affirmative were: McMillan, Woods, Piccolin, Brandolino, Weigel, Riley, Wisniewski, Kusta, Blackburn, Gerl, Goodson, Gould, Rozak, Sheridan, Bilotta, Konicki, Svara, Stewart, Travis, Adamic, Babich, Wilhelmi, Moustis. Total: twenty-three.

No negative votes.

EVIDENCE OF PUBLICATION IS PLACED ON FILE.

County Executive Walsh stated our first order on agenda today is the Executive Committee, and turned the floor over to Member Moustis.

EXECUTIVE COMMITTEE
James Moustis, Chairman

Member Moustis thanked everyone for their attendance today, knowing this was called at a fairly short notice, but we had no choice in the time frame. Member Moustis made a motion, to allow any speakers that want to speak on any items on the agenda. The reason is we have a 48 hour notification for signing up to speak, but we only did a 48 hour notification of the meeting. So it would have been impossible for anybody to sign up within the 48 hour required time. So, in fairness, I think we only have one speaker that is signed up.

County Executive Walsh said I understand that. His question is should we be putting the issue that's on the agenda out before we have the speaker speak.

Member Moustis asked you want me to put it on the floor first?

County Executive Walsh replied that's his only question. It's the only thing that's on the agenda.

Member Moustis said he could do that. I'll wait until we get to the.... I have Resolution #07-219, on the Executive Agenda. I would yield the floor to the Legislative Committee. This is a legislative matter. At this time, I yield the floor to the Legislative Chair on Resolution #07-219.

LEGISLATIVE COMMITTEE

Lee Goodson, Chairman

Member Goodson made a motion, seconded by Member Wisniewski, Resolution #07-219 be placed on the floor. This resolution refers to the legislative initiative to change the County Executive Law, including but not limited to Amendment #1 to HB1542.

Member Moustis made a motion, seconded by Member Bilotta to suspend the rules to allow speakers.

Voting Affirmative were: McMillan, Woods, Piccolin, Brandolino, Weigel, Riley, Wisniewski, Kusta, Blackburn, Gerl, Goodson, Gould, Rozak, Sheridan, Bilotta, Konicki, Svara, Stewart, Travis, Adamic, Babich, Wilhelmi, Moustis. Total: twenty-three.

No negative votes.

RULES ARE SUSPENDED TO ALLOW SPEAKERS.

County Executive Walsh asked for Mr. John Johnsen to come forward.

Mr. John Johnsen thanked Mr. Executive and members of the Board. Members of the Clerk's Office were very kind in getting me on the agenda today because of the situation with the time frame and the County Board staff people who were very amenable to this. I appear today in opposition to a small portion of your Resolution 07-219. My opinion, I appear here solely on behalf of myself, is the non-policy making employees in the County Executive's Office should be under the jurisdiction of the County Executive, and I don't believe the County Board should need to be involved in approving hires such as who's going to drive the snow plow. I just think that's poor management; it would be like telling the State's Attorney or the County Sheriff who they could hire. Again, I am only here commenting on one small portion that deals with the day-to-day non policy making people in the County Executive's office.

County Executive opened the floor for discussion on this issue.

Member Woods stated she attended a meeting this week and was very discouraged with it. A lot of things happened. I was under the conclusion that we were all on the right track, working for the same thing, and that's for the betterment of Will County. Will County has a lot of different issues on the table and it would come from the fed and state government. I would hate to see or hate for them to think that we did not have the same thing in mind and could have unification on these projects. It is something that one party cannot do alone; I think that's one thing that we have to realize. We also have to realize that a lack of communication is a bad idea. I think the results for this meeting was a lack of communication. Mr. Executive, what I'm going to ask if you might be able to speak to the maker of this bill and ask for an extension of it until this County Board can have a meaningful discussion about the issues here at hand. I think when we went into this form of government, the people spoke at that time. I heard it said that the people should be asked again if this is what they want. My comment to that is when the people of this county elected you, you and you and me, they put that in our hands and we should not be too afraid to speak up and settle this in a statesmanship manner. I'm asking you if you would put that off until we, the leadership, have a time and a chance to meet and find a decision here.

County Executive Walsh replied it's a very reasonable and logical request. I applaud you for taking a position like that of leadership and making those statements. Just since Tuesday, I have had a number of phone calls with the sponsor of the bill, Senator Halvorson, who talked to Senate staff and stated that there may be a willingness to negotiate, to sit down and have productive, meaningful discussions on issues that possibly can come to some kind of conclusion, closure here. If it can't, then we'll cross that bridge at the time we have to. I will give you my commitment that after we get done with this meeting this afternoon, I will place a call to Senator Halvorson and ask her if she will place this bill on extended deadline, which will offer us the opportunity to meet on meaningful and productive conversation, and how we can move forward in what is nothing more than a difference of opinion in regards to county government here. So with that, Member Woods, I will make that commitment to you.

Member McMillan asked County Executive Walsh, are you willing to suggest to Senator Halvorson that she remove this language, as well, because it was the electorate that put this law into place. It should not be the senate, a democratically controlled senate. Chicago politics, I'm getting real tired of it entering into our area here. This entire bill was deliberately and deviously introduced by your staff as well as Senator Halvorson, just to circumvent the will of the people of Will County. It was the voters of Will County that put this in place. If you want to make any changes, these changes should be made by the voters. I'm not saying Republican voters, and I'm not saying Democratic voters, by all of the voters. I'm just very disappointed that your office has taken this tactic. Obviously you were involved in this for quite some time and prior to its introduction. I've got a few notes written here and I've withheld using the term "cowardly" is the way this was introduced. I'm not going to use that, but I'm just very disappointed that we the voters of Will County are being turned away completely; we're being ignored. If you want changes, the way this bill was introduced back 18 years ago, the County Executive Act, they should go to the voters. I will say that now and I will say that until we get this office eliminated from our form of government as well.

Member Woods said I will ask my fellow county board members to have comments if you like and if you choose. But if we start finger pointing, we won't get anywhere. I know there were

things said and things done that neither side of the aisle liked, but this is what we are here for, is to come to some kind of conclusion of understanding. There have been many things that have come before this board that people disagreed on, but we went to the table, we sat down, and we talked about it, and we came up with an agreement on it. That's all I'm asking is time to come up with some kind of agreement, because it does not look good; the press is having a field day and that's all I've heard on the radio and everywhere else. It shouldn't be like that. Don't feed them all of this negativity. Give them some positive aspect that is coming from this County Board.

Member Moustis commented I'd like to go over the events that brought us here today. Member Woods, I take your comments seriously, but I think we have to understand what brought us here today, and that's HB 1542 which is not a bill that addresses county government or the executive form of government. HB 1542 has absolutely nothing to do with county government. It originated in the House; it's a bill that basically addresses some collective bargaining issues. When it went to the Senate, Senator Halvorson amended that bill that would directly affect, and I think materially change the executive form of government as it was voted on in 1988. We can all now say, let's have a discussion. But, I think it was purposely done to keep it out of the public's eye, to have no public debate, either by this Board or by the Will County community. So now, from my perspective, we're starting at a point where deception has already taken place. It was put on a Friday afternoon this was amended, it's my understanding. Most people were leaving Springfield. We start out on the premise that there's a little deceit already going on. There was no communication between this Board and the Executive's office on this issue at the time it was introduced. And I say this Board, because I don't think there was any communication between either the Republican side or the Democratic side. So there was no communication to this Board that I'm aware of. So yes, you're right, Member Woods, there is a breakdown of communication. So now it's kind of like we're going to be dictated, because we – There's 102 counties in the State of Illinois, and there's only one county that has this particular form of government. We can talk about provisions in that executive act, and I happen to think that they're all put there for a reason. This was not enacted, or does anybody in this state have the ability to have the executive form of government until 1971, after the constitutional convention of Illinois in 1970. We start out on kind of a bad foot here, and now it's kind of like – I think this Board has always been willing to the Will County community to be open to discussion. I think that this Board and past boards and this County Executive and past county executives, I think we've worked pretty hard to make this work. And, if there's really been a problem, or something that really doesn't seem to work, we've addressed it. We can talk about other office holders in this county, but I'm here to tell you this office was specifically penned to be what it is. If they wanted this office to have the same abilities as a sheriff and the clerk and other constitutional office holders, they would have written it in. This is not that old. So I think there was meant to be the roles of the legislative body and the roles of the executive. And God knows, since 1988, we have tried sometimes to define where the roles go, but we've always worked it out. We've never tried to cram something down the people of Will County through Springfield. And because we're the only county in the State of Illinois that has this form of government, we are subject, I think, to abuses from the legislature and political agendas. This Board has always acted pretty much, 99% of the time in a non-partisan way. But what's happening here, it was coming down from Springfield, I don't think this is exactly non-partisan. I think that I agree with Member Woods; and I'll take it a step further and ask the County Executive, would you support any changes going back to the voters. I happen to believe in the voters, and I believe that if you introduce changes that you can convince them are good changes, they'll adopt them. Let's sit

down; let's cool off. I'd like to see the whole thing go away, not delay, just pull the whole thing off. Ask Senator Halvorson to do away with it. And if we have differences, or if we can improve this government for the people of this county, I'm on board.

Member Svava said he had a technical question for the county's State's Attorney. I have in my packet the legislation which now says with the advice and consent of the County Board, negotiate on behalf of the county and governmental units and the private sector for the purpose of promoting economic growth and development. Under what I have in my packet, the advice and consent of the county board would be stricken. What would remain would be that the County Executive would negotiate on behalf of the County with governmental units and the private sector for the purpose of promoting economic growth and development. My question is let's say that sometime in the future, the State of Illinois says that Will County should build the airport. Would this section then give one person the authority to negotiate and settle contracts?

State's Attorney Glasgow responded this section has been removed, is my understanding from discussion at the meeting. You certainly asked a very complicated question and we'd be glad to research it. I wouldn't want to shoot off the top of my head, but I believe it's moot; I believe that issue is not going to be in the language. If you want to talk to me after the meeting...

Member Svava commented I would like a written opinion actually. My point is that this is what was proposed. Now, maybe it's gone away, but you can never tell what's going to happen with amendments. I'd like to know if this should come up again, you can do the research, would this give the Executive, one person, the authority to negotiate and settle hundreds of millions of dollars of contracts, if that were approved some day. If you could research that for me, I'd be very appreciative.

State's Attorney Glasgow replied it's going to take a little time. We have three attorneys out in the Civil and Criminal Division. It's a moot issue and we'll get to it.

County Executive Walsh added it's a moot issue because the staff made an error in the drafting of the bill that that issue was never intended to be part of the bill in itself.

Member Svava asked what staff made the ...

County Executive Walsh answered Senate staff.

Member Svava said so the Senate staff in Springfield, with the lawyers and the best minds in the state made a mistake and accidentally wanted to give the Executive this authority, they didn't know that that would be the outcome.

County Executive Walsh replied that's not what happened and if that's your opinion, you are more than welcome to your opinion. I'm trying to explain that inadvertently with hundreds and hundreds and hundreds of amendments that go on, that inadvertently that Section O, the line was drawn through and it was not intended to, no way, shape or form was it intended to.

Member Bilotta commented he believes all the municipalities in Will County and throughout the State of Illinois, basically have an executive form of government when they have to go to advice and consent to let the board hire, etc. etc. This legislation in a sense is over, kind of overpowering that. If we're going to do this and Senator Halvorson wants to put this through, I think we should look at doing it on a statewide basis. I disagree with it because I think that with Will County being one of 102 counties in the state, we're the only one that has this. And the only reason we do have it is the voters put it in there. If we're going to amend it, making changes to it, let's just bring it to the voters in February for the next Primary. I fully support that; any changes if it does in fact make this government more efficient, which is what we owe to the constituents of the county.

Member Konicki said I'm personally pleased to see that this is apparently quieting down and we're going to take the time, pull legislation back, and take the time to sit down and talk about it. I think we've done a good job here this morning of pointing out some of the partisan ramifications of the approach that was taken, but frankly my focus went to something even more serious than partisanship and beyond partisanship and I think we also, all of us, both sides of the aisle, including not only those here to hear, sitting here now but those elected officials representing us down in Springfield need to keep in mind the constitutional ramifications of legislation like this. I believe that if this legislation had passed, would deprive the residents of Will County of their constitutional guarantees of equal protection due process of law. I think you're getting into that territory. This is the only county, Will County, that has the executive form of government. Only the people of Will County that would be impacted by this legislation. While the amendments appear neutral on their face, it's a practical real world matter, they target only the residents of Will County. They would end up treating those residents differently than the residents of any other county. County government throughout the state of Illinois in all 102 counties, of course except for Cook County, operate under a form of government where the business of the people is conducted by the county board, that includes the hiring and appointments. The county board under state law is required to conduct its business in an open meeting. The County Executive Act, as it was originally enacted and adopted by the people of this county, did not change that fundamental form of government. By inserting the advice and consent provisions in the County Executive Act, that legislature expressed its intent and promised to the people of any county that would choose to adopt the executive form of government, that the primary form of that government would not change. The business of the people would continue to be conducted in an open form, in an open meeting. I think to take that out of the county form of government and to do it only against the people of Will County, would certainly give rise to equal protection issues. When I talk about due process for the non-attorneys on the board, the courts batted that around endlessly, and they come to two very simple concepts -- fair play and substantial justice. If what's enacted in legislation does not represent fair play and substantial justice, you have a deprivation of due process. And I think it's very clear from comments made here today and I think we've all become more sensitive to it as the debate on this issue has taken place, the people of this county adopted a certain form of government willingly, they adopted it. To substantially or materially change that form of government without going back to them to allow them to make that decision, I think would indeed constitute unfair play. I think Springfield should not do that. If this issue should ever be picked up again, I think it's of paramount importance that what Springfield does is empower the people of this county by going back to referendum once again to decide any issue that would materially or substantially change their form of government under the County Executive Act. I appreciate the fact that the other side

of the aisle is a practical matter, has the political majority in Springfield to ram this through. I appreciate the fact that as we look at these issues more carefully, we're backing away from the initial partisanship approach and acting in a more levelheaded manner. I appreciate the tone in which the meeting opened. I also appreciate the little bit of political cut, cut, cutting that's taken place over what was perceived to be the partisan approach that laid behind it. The bottom line is I think we're reaching the correct result here today and we're backing away from something that could have gone far beyond partisanship and I think would have gone into constitutional issues targeted against the people of our county. People that both sides of the aisle represent and want to represent heroing. I appreciate the negotiations that have obviously taken place and I think we're at the right place on this.

Member Wilhelmi commented he also appreciates the way this meeting has gone. Everyone was a little more hot headed on Tuesday, and maybe took things personally. None of us really know exactly what the voters were thinking when we started this form of government several years ago, whether they read the full bill or not, whether they knew if there was advice and consent. I think myself, what they really wanted to have was somebody who they were able to elect countywide running county government rather than elected by 27 members of this Board. I think what this bill in Springfield is doing is clarifying how county government is run in this county. It is run efficiently and effectively through the hiring process and not delayed through the county becoming more involved. I can't think of any more inefficient way than to have committees involved in the hiring and firing, hiring in this case, within a business that has a \$200 million budget. I think that's all that was really being done. If this doesn't go through or if it gets pulled, I think one of the good things we've accomplished here is maybe getting a little more clarification on what advice and consent should and shouldn't mean. Whether it's to produce a list for special hires and appointments from which we can pull specific names to discuss or does it go to whoever we want, some members of this board want it to go, which is basically taking to committee the whole hiring process. I myself feel that is the wrong way to go and I applaud Mr. Johnsen for also believing that is the wrong way to go. Again, my feeling is the voters wanted an administrator elected at a countywide level to run county government. Running county government is appointing and hiring the right people to do the job. If they don't like the job he's doing, in four years they fire him.

Member Gould agreed with the comments of Member Konicki. I think she makes some excellent points. Our country and our system of government is founded on co-equal branches, legislative, executive, judicial. This County Board is the legislative body. If these amendments were to take place, those would enhance the powers of one branch of government at the expense of another branch of government and alter that equality which exists, an equality which has existed in this county for the last 19 years. To do that would send a message to the state that said why would any other county consider this form of government when one branch is not equal to another branch. That would not be good for our county and I think that would not be good for our state.

Member Goodson said that Member Konicki did a wonderful job and very eloquently explained that we're taking the wrong approach on this. I stated this at our committee meeting the other day; Member Moustis requested it on the floor today, and I would like to reiterate that I would like to see not an extension on this bill, but a withdrawal of this amendment. I'd like to ask the Executive if he would commit the request to withdraw this amendment.

County Executive Walsh stated he has committed to what Member Woods had asked him and that is a discussion with the sponsor of the bill.

Member Goodson made a motion, seconded by Member Kusta to amend the resolution and suggest that we should include but not limit on this resolution to oppose Senate Floor Amendment #1 in House Bill 1542, to any additional amendments as well. I would also like to amend it further to request that each and every representative, senator, and the Governor receive a copy of this resolution immediately.

County Executive Walsh asked Member Goodson if she had that amendment in writing.

Member Goodson said we will.

Member Anderson said there's been a number of comments made today and some are in agreement and some are not. But, I think wouldn't it be better, wiser, that we talk about this at future meetings and discuss it and come to a conclusion amongst ourselves and then go about it that way. I think we'd be better off to table it and talk amongst ourselves and come up with an agreement that would be amicable to everyone.

Member Anderson made a motion, seconded by Member Babich to table Resolution 07-219.

Voting affirmative were: Woods, Stewart, Travis, Adamic, Babich, Wilhelmi. Total: six.

Negative votes were: McMillan, Piccolin, Brandolino, Weigel, Riley, Wisniewski, Kusta, Blackburn, Gerl, Goodson, Gould, Rozak, Sheridan, Bilotta, Konicki, Svara, Moustis. Total: seventeen.

MOTION TO TABLE IS DENIED.

County Executive Walsh stated Member Goodson has a motion of the floor to amend. Does everyone understand the amendment?

Member Svara said he would agree with Member Adamic. We need to discuss this. The problem is that it's possible by Friday or Monday this could be passed in Springfield. If it were withdrawn, that would give us the time to discuss it. I agree with Member Adamic.

County Executive Walsh asked if everybody understands the motion in regards to Member Goodson's... Would you repeat that please, Member Goodson.

Member Goodson made a motion, seconded by Member Kusta, to amend the resolution to include, but not limit Senate Floor Amendment #1 to House Bill 1542 and also amend it to request that every representative and senator and the Governor receive a copy of this resolution immediately.

County Executive Walsh asked isn't that already listed in the resolution limited to but not, including but not limited to Amendment #1 of 1542.

Member Goodson replied no it is not. It includes Amendment #1, but it limits it to Amendment #1. We don't want it to include any further amendment.

Voting affirmative were: McMillan, Piccolin, Brandolino, Weigel, Riley, Wisniewski, Kusta, Blackburn, Gerl, Goodson, Gould, Rozak, Sheridan, Bilotta, Konicki, Svara, Moustis. Total: seventeen.

Negative votes were: Woods, Stewart, Travis, Adamic, Babich, Wilhelmi. Total: six.

MOTION TO AMEND RESOLUTION #07-192 IS APPROVED.

Member Goodson made a motion, seconded by Member Kusta, Resolution #07-192 be approved as amended.

Voting affirmative were: McMillan, Piccolin, Brandolino, Weigel, Riley, Wisniewski, Kusta, Blackburn, Gerl, Goodson, Gould, Rozak, Sheridan, Bilotta, Konicki, Svara, Moustis. Total: seventeen.

Negative votes were: Woods, Stewart, Travis, Adamic, Babich, Wilhelmi. Total: six.

RESOLUTION #07-192 IS APPROVED AS AMENDED.

ANNOUNCEMENTS BY COUNTY BOARD CHAIRMAN
James Moustis, Chairman

No comments.

ANNOUNCEMENTS BY MAJORITY LEADER
Wayne McMillan

I agree with Member Woods' comments about the public involvement in this. I'd like to take it a step further. I'd like to see public hearings on this language, changing the County Executive Act. I'd like to see them up here, not only down in Springfield. I'd like to see the electorate of Will County involved in these public hearings, because they were the ones that originally put this form of government in place, and I think they need to be consulted for any type of substantial changes that this act would create as well too. So we need to continue to pressure Senator Halvorson to make sure that the voters are not ignored again.

ANNOUNCEMENTS BY MINORITY LEADER
Margie Woods

We've heard a lot of discussion here today about what we should do and how we should do it. My feelings personally, this is me, I feel as though we haven't come up with a solution. This

was a wasted meeting. It was passed that we would come back and discuss things and come up with a solution. I know that Member Moustis would also be in agreement with that because he asked for that in last Tuesday's meeting that we could have time to discuss this. I don't know.

Member Moustis responded it's hard to discuss it when the legislature's on such a compressed schedule. They're due to go out of session at the end of the month. I realize they may go beyond that. But, withdraw it. Give us time. You can bring it back in the veto session.

County Executive Walsh interjected that's what Member Woods is asking.

Member Woods replied that is what I asked if they could delay this and not be brought up until – it would not hurt to delay until we have conversation. There has been no conversation on this.

We agree.

County Executive Walsh said Member Woods has the floor. Please let her finish her comments and then if anybody else wants to speak.

Member Woods continued so that is the reason why my vote was no. It's not that I agree with everything that is in the bill, but I want us to be able to have conversation on that to come up and agree. When we first came here after the election, when leadership changed, it was a hard meeting. We finally eased off into where we could become agreeable to some things. It's healthy to disagree. I wouldn't want to go anywhere where everybody agrees with me. I really wouldn't because I know I'm kind of touchy at times. But, if we can come to an agreement, and I thought we had reached that point where everybody had the same thing in mind where we were going to do the best thing for this county. And, well I'm coming away from this meeting where I have nowhere to go. I don't know what has – I know what has been decided here, okay. But, we are at the same place we were Tuesday.

Member Moustis responded I think that the time frame is perhaps at issue here. I don't know exactly what delay means. Delay, we delay it if it's going our way. We don't delay it if it's not going our way. What is delay? If it's removed, we can have those meaningful discussions. However long they may take, within a reasonable period. We can have a public forum. We can have public debate. Not only here, but with the residents of this county. This is being introduced in a very stealth way at the very end of the legislative session – what's it get delayed to? Is it delayed to the end of the month? Remove it. I'll request to the County Executive to remove it. We will have that discussion. We will have public debate. You can always bring it back. Give us the time to discuss it. And I don't think a delay action gives us the time we need. I really don't. Mr. Executive, your party controls everything in Springfield. Obviously, you have the ability to do these types of things because you've done it. You can do it in the next session; you can do it in the veto session, if that's what you choose to do. I say let's have the public debate.

County Executive Walsh commented the extension of the bill will be to December 31st, 2007.

Member Moustis said okay, so, is that what you're saying the delay period will be? It will go to December – I don't have – as long as it goes to the end of the year, basically December 31st, I think that's an acceptable time frame. But that's what I want to hear; I don't know what delay meant.

Member Travis said I feel the same way as I did when I came in here. I don't know what's happening. If we can't get together and discuss this, we will never get no where. What are we afraid of? Why can't we discuss this together? We need to discuss this together where everybody can say yes and no. We will know what's going on then. Right now, I agree with Member Woods. And I agree with some that was said by Member Moustis. But we need to get together and discuss this to understand what each one of us means when we speak. And right now, I'm just like I was when I came in here. I don't know what's happening, what's going on. We need to discuss it and get down to it, get to the bottom of it, and then we can go ahead on. What are we afraid of? Both sides get together, we shouldn't be afraid of nothing. We say we want the best thing for the county, let's sit down and discuss it and see what's best for the county.

Member Babich made a motion, seconded by Member Adamic to adjourn the meeting.

MOTION CARRIED BY VOICE VOTE.