

MINUTES

Members Present

Ms. Olszewski and Ms. Hodge

Members Absent

Mr. Daake

In Attendance

- **Board Members**

Mr. Wheeler, Mr. Snipes, and Ms. Webber

- **Department Heads**

Mr. Rowe

- **Media**

None

1. Call to Order

The meeting was called to order by the County Board Chairman, Mr. Wheeler, at 10:30 a.m. Quorum present.

2. Public Comment

Mr. Snipes commented on the reformation of the Ethics Commission.

3. Presentations

None

4. Submission of Affidavits of Party Affiliation

Mr. Wheeler stated that the members cannot all be from the same political party. It doesn't mean that they have to declare a party, as they can be independent, but they just all can't be from the same party. He was informed by Diane that she has two Affidavits, each one from a different party.

5. Determination of Member Terms

Mr. Wheeler stated that we need to determine the members' terms. Part of this is that there are predefined terms that are automatically reappointed unless someone else asks to be taken off, or for some other reason, moves out of the area. We do this by drawing for lots. Diane will have each of the members present pick a number out of the container, and that will determine their term. It will either be a 1 or a 2, and from that, obviously Mr. Daake will be whatever it is left. There is one "1", and two "2's". Ms. Olszewski drew a "2", and Ms. Hodge drew a "1", so Mr. Daake will have the other "2".

6. Nomination for Chairman of the Ethics Commission

This nomination will come from the committee members, and being that this is the first time we have met, there is no chairman in place. He asked if we have a nomination from the floor for the Ethics Commission Chairman.

Ms. Hodge made a motion to nominate Ms. Olszewski as Chairperson, and Ms. Olszewski seconded it. Motion carried with a voice vote.

Mr. Wheeler turned the meeting over to the newly appointed Chairperson, Ms. Olszewski.

7. Introduction of the Honorable Kendall O. Wenzelman, Ethics Advisor

Ms. Olszewski introduced the Honorable Kendall O. Wenzelman as Ethics Advisor to the committee.

Judge Wenzelman stated that he appreciates the opportunity to work with this group and to reformulate its' existence.

8. Discussion of Proposed Kankakee County Code of Ethics

Graeme Quinn from the State's Attorney's office introduced himself to the committee. Mr. Wheeler has the current code, and what was provided to them in their packet is something that the State's Attorney's office has written up taking language from sister counties' Ethics Commissions, so this committee can make any edits they'd like to that or they can keep the ordinance as is. In terms of what the committee is talking about today, ideally, any changes to the current ordinance that they'd like to make, and then any of their internal policies and procedures should something come to their attention that is ethically questionable. That could be things such as due process rights, and that's why they have Judge Wenzelman to help with those kinds of internal policy matters.

Ms. Olszewski asked what the process is for bringing a case before this committee.

Mr. Quinn stated that, in the proposed code, any complaint would go to the Ethics Advisor, and he would do an investigation as to whether that would be appropriate to bring to their attention or not, with some grounds for actually having a complaint. Anyone who has any ethics concerns about any county employee, department head, official, public member, any commission member, board member, or anything like that can file a complaint.

Ms. Olszewski asked if Judge Wenzelman then decides whether or not it's appropriate for the Ethics Commission.

Judge Wenzelman stated that he would conduct an investigation as to whether or not something is in their purview, and then the next aspect of it is whether or not there is something there that can be pursued further. He would then make some type of recommendation to the Commission, or if he finds out it is not something they should handle, that there is someone else who should be handling it, he will make a referral to that.

Mr. Wheeler stated that, in the current code, the complaint would go to the Commission, and in the proposed code, it would go to the Ethics Advisor to make sure it's within the purview of this Commission.

Mr. Rowe stated that one thing he asks that the Commission keep in mind is that, if an issue is brought to their attention that may have criminal implications, there is always a statute of limitations running, and if it's getting close, he would ask that that be a situation, whether it involves someone in the Chairman's office, his office, or any office in the County, it be referred to the State's Attorney's office sooner rather than later so they don't run into a situation where that statute has passed and they can no longer take action, outside of the Ethics Commission, but within the realm of criminal charges.

Mr. Rowe stated that maybe one distinction would be that, if it's a violation of an internal County policy, then that's certainly something that his office doesn't need to be involved in unless the Commission refers it to them; however, if it is a violation of a state statute or if the Judge determines there was a crime committed, he would ask that it be forwarded to his office as soon as possible after they receive the complaint. They will then take action to determine if they have a conflict and, if they have a conflict, whether they have to have outside counsel brought in, so that's a whole other process.

Judge Wenzelman stated that there could be a situation where there are both criminal aspects and a violation of some sort of internal policy.

Ms. Olszewski stated that's why she thinks it needs to come to the Commission and they can decide before it even proceeds any further. She stated that maybe they should go back to how often they should meet.

Ms. Hodge stated that she thinks they need to meet, as a group, as the Commission, and really go over the old and the new and make a determination of what they're going to do. Changes may or may not be needed if they approve the new, so she thinks that's their first step, to come up with some bylaws or rules. If they don't have any rules, they don't know how to proceed.

Judge Wenzelman asked Mr. Quinn if they need revisions to the ordinance, then he would be the person involved?

Mr. Quinn stated yes, he would be writing the ordinance for the County Board to review.

Mr. Wheeler stated that this Commission would determine what the new rules are, whether it's a combination of old and new, or what they will be. Then it will go to the Executive Committee and, if approved there, will move on to the full County Board. He also stated that the meeting times will need to be coordinated with Diane because she has to be available for minutes of the meetings. If it's not at this location, it could be the second floor conference room. Preferably it would be in this boardroom so that it could be broadcast.

Mr. Wheeler stated that it is in the proposed code that there are five commissioners. It will have to be discussed whether they want to adopt that and bring two more people on for cases of quorum, and having more people involved. They could make it three and then change it at a later date.

9. Other Business

10. Adjournment

Ms. Hodge made a motion to adjourn the meeting at 11:01 a.m., and Ms. Olszewski seconded it. Motion carried with a voice vote.

Toby Olszewski, Committee Chairperson
Diane Owens, Executive Coordinator