1. CALL TO ORDER

   *Roll Call*

2. MINUTES APPROVAL

   1. Ethics Commission - Public Meeting - Dec 5, 2019 3:00 PM

3. PUBLIC COMMENT

4. PRESENTATION

5. NEW BUSINESS

   1. Selection of the Chairman
   2. Review of Revised Ethics Ordinance as Adopted by the McHenry County Board
   3. Training Module
   4. Review and Revise Complaint Form
   5. FAQ Development

6. OLD BUSINESS

7. REPORTS

8. MEMBER COMMENTS / FUTURE TOPICS

9. EXECUTIVE SESSION (AS NECESSARY)

10. ADJOURNMENT
1. CALL TO ORDER

Meeting called to order at: 3:00 PM by Lloyd R Everard.

PRESENT: Everard, Holter, Celentano, Torscher

ABSENT: Kane

Also present: Peter Austin, County Administrator; Scott Hartman, Deputy County Administrator; Alicia Schueller, Assistant to the County Administrator; Suzanne Ness, County Board Liaison.

2. MINUTES APPROVAL

1. Ethics Commission - Public Meeting - Oct 28, 2019 3:00 PM

RESULT: ACCEPTED [UNANIMOUS]

MOVER: Helen Torscher
SECONDER: Andrew Celentano
AYES: Everard, Holter, Celentano, Torscher
ABSENT: Kane

3. PUBLIC COMMENT

None.

4. PRESENTATION

None.

5. NEW BUSINESS

Scott Hartman, Deputy County Administrator, informed the Commission members that Case E19-01 and E19-02 had been withdrawn by the complainant but amended complaints would likely be re-filed.

Mr. Hartman reminded the Commission members they are operating under the current version of the Ethics Ordinance established and vetted in 2012, and not the draft being presented through County Board. At the end of October 2019, the Commission concluded their review of the Operating Policy Procedures presenting the challenge of marrying the current Ordinance requirements to the current procedures.

Mr. Hartman discussed the processes that would take place for a complaint after the complaint is filed with County Administration and how the current complaints would have progressed forward had they not been withdrawn.

Commission members discussed whether or not the County Board Liaison to the Ethics Commission should have access to the formal complaint and be included in the distribution email containing the details of the complaint? It was the consensus of the Commission members that the County Board Liaison to the
Ethics Commission be notified as a courtesy and to advise them of the complaint but not be included in
the email distribution containing the details of the complaint filed. Suzanne Ness, County Board Liaison,
mentioned it would be helpful for this to be added to the Operating Procedures going forward for
clarification.

Mr. Torscher made a motion, seconded by Mr. Celentano, to clarify the role of the County Board Liaison
to the Ethics Commission. In the matter of an Executive Session, the liaison would not be in attendance
unless invited. In the matter of a Hearing, the liaison would sit with the public and not at the table with the
Commission members. The motion passed with all members present voting aye on a roll call vote.
(Absent was Kane)

Ms. Torscher made a motion, seconded by Mr. Celentano, to amend her original motion to include the
direction for County staff to develop an amendment to the Operating Procedures describing the County
Board Liaison's role and involvement as it relates to a complaint process that would stipulate that the
County Board Liaison would receive a courtesy notice of the time and place of the hearing but does not
receive the complaint materials. It would also include if there was an Executive Session relative to the
complaint the County Board Liaison may be included but not entitled to be present. Lastly, during the
administrative proceedings, the County Board Liaison may attend as a member of the public.

Mr. Celentano requested guidance as to whether or not the members of the Ethics Commission were
subject to filing an addendum of Economic Interest that lists their landholding other than their residence.
Mr. Hartman will follow up with the State’s Attorney’s Office for clarification.

1. Case E19-01: Sufficiency of Complaint and Probable Cause Examination of a Complaint filed by
Complainant Dan Giallombardo Alleging an Undetermined Violation of the McHenry County
Ethics Ordinance by Respondent Michael Skala and Issuance of an Order Regarding the
Commission's Findings
2. Case E19-02: Sufficiency of Complaint and Probable Cause Examination of a Complaint filed by
Complainant Dan Giallombardo Alleging an Undetermined Violation of the McHenry County
Ethics Ordinance by Respondent James Kearns and Issuance of an Order Regarding the
Commission's Findings

6. OLD BUSINESS

1. Revision of complaint form
2. Update training module
3. Development of FAQ's
4. Operating policy and procedures

Commission members discussed the handout provided on revisions to the Operating Procedures
12.04 (a) to replace “with section 12.64.130.B.1.d of the McHenry County Ethics Ordinance” with
“with the criteria articulated in Section 12.04(a)(1) below”.
1. The Chairman of the Commission may dismiss a complaint sua sponte at any time if the
complaint does not set forth facts that when taken as true and liberally construed are
sufficient to legally state a claim under this Ordinance; if the conduct involves a person not
bound by this Ordinance; if the complaint is deemed frivolous; or if the complaint is not
written, signed, verified, and filed within one (1) year of the alleged violation.

Mr. Holter made a motion, seconded by Ms. Torscher, for the above verbiage to be amended to read:
The Chairman of the Commission may dismiss a complaint sua sponte at any time up to the
Sufficiency of Complaint and Probable Cause Examination if the complaint does not set forth facts
that when taken as true and liberally construed are sufficient to legally state a claim under this Ordinance; if the conduct involves a person not bound by this Ordinance; if the complaint is deemed frivolous; or if the complaint is not written, signed, verified, and filed within one (1) year of the alleged violation.

Commission members corrected a couple of minor scriveners’ errors within the Draft Operating Procedures.

7. REPORTS

None.

8. MEMBER COMMENTS / FUTURE TOPICS

Mr. Hartman stated the next steps would be to discuss the Training Modules to incorporate Sexual Harassment. Commission members asked for staff to contact the County IT Department to incorporate previously vetted training into the Training Module.

Mr. Hartman introduced Alicia Schueller, Assistant to the County Administrator, who will assist as back up to Mr. Hartman in the event a matter comes before the commission and he is not available.

Ms. Ness requested an updated draft Ordinance containing the second round of changes.

9. EXECUTIVE SESSION (AS NECESSARY)

None.

10. ADJOURNMENT

Ms. Torscher made a motion, seconded by Mr. Holter, to adjourn the meeting at 4:56 p.m. The motion passed on a voice vote of all members present voting aye. (Absent was Kane)