

# COMMITTEE REPORT

**COMMITTEE:** Executive Committee  
**CHAIRPERSON:** Merri Berlage  
**DATE/TIME:** September 6, 2016 @ 7:00 pm  
**PRESENT:**

Merri Berlage  
 Ron Smith  
 Brandon Behlke  
 Steve McIntyre

Gerald Bennett  
 Randy Jobgen  
 VACANT

RJ Winkelhake  
 Don Zillig

Steve McIntyre attended the meeting as vice-chairman of the Social & Environmental Committee in the absence of chairman, Brandon Behlke, with authority to vote on business per policy.

A quorum was established.

Other Board Members: None

Others: Dan Burke, Hal Gilpin, John Hay, Erin Murphy, Brad Petersburg, Dan Reimer and Katherine Walker

## 1. Minutes Approval

- a) Randy Jobgen made a motion to approve the minutes from the August 1, 2016 Executive Committee meeting. Seconded by RJ Winkelhake and motion passed.

Merri Berlage, Chairman, announced that she will be moving item 4.c) up to item 4.b) and item 4.b) down to 4.c).

## 2. Citizens' Comments – None

## 3. Unfinished Business

- a) FY2015/FY2016 Strategic Goals & Plans – This item was bypassed for the evening.
- b) Update on US EPA Site Stabilization Work at the Bautsch Gray Site on Blackjack Road – Nothing new to report.
- c) Update on Jo Daviess County FOIA requests – A FOIA report was included in the Committee packet. The committee reviewed the report and updated the FOIA request spreadsheet.

## 4. New Business

- a) Discussion and possible action on the 2017 Jo Daviess County Holiday Schedule – Merri Berlage, Executive Committee Chair, discussed the 2017 Jo Daviess County Holiday schedule which was included in the committee meeting packet. Dan Reimer, County Administrator, added that the scheduled holidays are per the employee handbook. **Randy Jobgen made a motion to approve the 2017 Jo Daviess County Holiday Schedule. Seconded by RJ Winkelhake and motion passed.**
- b) Discussion and possible action on a request from the Sheriff's Department to hire an additional Deputy Officer – Lieutenant, Tim Wand, was in attendance to answer any questions regarding the request from Sheriff Turner to hire an additional Deputy Officer. Merri Berlage questioned where the additional funding for this position would come from. Dan Reimer discussed that two years ago funds were appropriated for a third court security officer and this position has not yet been filled. The cost of wages and benefits for a Court Security Officer are less than for a Deputy Sheriff. If approved this would be a recurring expense and would add to the FY2017 deficit that is currently projected for the General Fund. **Randy Jobgen made a motion to move the request from the Sheriff's Department to hire an additional Deputy Officer to the Finance, Tax & Budgets Committee. Seconded by Don Zillig and motion passed.**

- c) Review, discussion and possible action on the changes made to the draft DMO contract from last meeting – Merri Berlage commented that States Attorney has reviewed the proposed DMO contract. Everything marked in green is new or has been deleted. John Hay, States Attorney, discussed that he reviewed the contract and tried to follow what the Executive Committee was asking for based upon the comments. It is up to the committee to decide on the content. The committee reviewed and discussed each item one by one.
- On page one Greater Galena Marketing, Inc. was struck out because we are not reaching an agreement with that organization. We are reaching an agreement with the DMO.
  - E.) 1.) The Executive Committee added some language so the DMO will not act on behalf of the County or City to the benefit of the organization. Hay feels that language should be stricken.
  - E.) 4.) The red stricken is what the Executive Committee asked to strike out which Hay left. Wording to address state certification and current building lease between the County and City. The building lease between the County and the City is a separate issue which should be addressed separately from this contract. In regards to the state certification Hay added language in blue. The intend is to transfer the certification to the corporation but in event that the contract is terminated in the future the County wants to insure that the certification comes back. To do that the County will have to either have another DMO in mind or create another CVB to transfer the certification to. County policies and audit procedures need to be followed.
  - E.) 5.) a) This language is fine.
  - E.) 5.) c) There is some language at the end of 5.) c) language about the County and City officials keeping tax information confidential was struck. The Freedom of Information Act would require this information to be released. There was concern over proprietary information being given out. Hay suggested that we hold off on this item so that he can review before the County Board meeting.
  - E.) 5.) d) and E.) 5.) e) Hay struck 5.) d. and 5.) e. because this is a new relationship in essence. The concern is that if the County turns a large sum of money over to the new organization and the relationship quickly ends, how is the County going to get this money back and how will it be paid back. In essence startup costs would be funded with County money until hotel/motel tax is collected and turned over to the new entity. The recommendation is to strike that part and let the new entity rely on hotel/motel tax revenue. Steve McIntyre would like to see an arrangement similar to the one the County has with The Workshop for operation of the Jo Daviess County Transit. Hay will revise the wording to reflect a similar arrangement as that with The Workshop.
  - E.) 6.) b) Wording was added for clarification.
  - E) 6.) d) Language was added to clarify the intent of the Executive Committee that there be an independent audit annually by an independent accounting firm.
  - E.) 6.) e) Hay struck out the language upon 10 days advance notice. This is a content issue that the committee can decide on. Hay wants to clarify on books will be audited prior to and after any departure of a CEO. If during the middle of a fiscal year the committee is asking for a new CEO there should be another complete independent audit done. The committee requested that there be another complete independent audit and the DMO will pay for the charges. Hay will clarify the language.
  - E.) 7.) a) The Committee discussed the renewal terms. If the Executive Committee does not want the contract to renew annually there is language later in the contract.

- E.) 7.) b) The Committee discussed that it is a good idea that representatives of the parties shall meet annually to discuss any concerns regarding the agreement and consider amendments.
- E.) 7.) c) Galena struck out the critical terms part. Hay agrees because there is no definition of what's a critical term and it would be vague.
- E.) 7.) d) Hay added the word *any* to clarify.
- E.) 7.) e) Hay added the blue words highlighted in green to form the intent of the committee as he saw it from the previous meeting. If the committee were to change its mind and put the previous language back in there is no legal issue with that whatsoever. Many contracts do have cure language in them for issues such as this. Consensus of the committee is to add cure language back in.
- E.) 7.) h) Clarified language.
- E.) 7.) i) Clarified language.
- E.) 7.) j) This was not in the contract. This is standard language for a contract that no party can assign their part of the contract or agreement to someone else.
- E.) 7.) k) Severability is standard language that was included.
- E.) 7.) l) Standard language as well.
- E.) 7.) m) Hay will go back and revise language to clarify changes made.
- E.) 9.) g) Hay struck language in g) and added language in green to comply with the Illinois Open Meetings Act, citing the statute. If the statute changed, compliance would still be required.
- E.) 9.) h) Hay recommends that this item be removed. Hay will confirm with the Attorney General's office whether this needs to be included or not.
- E.) 10.) Hay added language to clarify that the corporation will hire and pay for the attorney.
- E.) 11.) a) Clarified some of the indemnification language.
- E.) 11.) b) Changed to just cover the City because we have our own certificate of insurance requirement which he added in 11.) c).
- E.) 11.) c) We are asking them to comply with our certificate of insurance policy.
- E.) 11.) f) There was so much difference between our standard language and f) Hay completely struck f) and revised to our standard independent contractor language.
- E.) 11.) g) Replaces E.) 11.) f) that Hay struck.
- E.) 11.) h) through E.) 11.) t) are parts that the Executive committee included. Hay tried to clarify the language as best as he could to try and match the intent of the Committee. Hay asked to go through each item separately.
- E.) 11.) h) Hay will clarify language to ask for an annual marketing plan.
- E.) 11.) i) Hay suggested adding language to state within thirty days.
- E.) 11.) j) The committee wants to leave this item in the contract.
- E.) 11.) k) The committee wants to leave this item in the contract. Hay suggests adding language to state within thirty days.
- E.) 11.) l) Hay suggested adding language to state within thirty days.
- E.) 11.) m) Hay suggested adding language to state within thirty days.
- E.) 11.) n) Hay asked what specific material the committee is asking for. State welcome centers must approve or deny all items that will be placed at their welcome centers. We are asking to be notified of what is allowed and what is denied. Hay suggested adding language to state within thirty days as well.
- E.) 11.) o) Hay will add language to clarify the committee's intent.
- E.) 11.) p) Hay added 30 days' notice to this item.
- E.) 11.) q) This item was added to insure that one of the four major director positions is not eliminated.

- E.) 11.) r) This item is to make sure that all independent contractors or subcontractors have a clear record.
- E.) 11.) s) and E.) 11.) t) Hay left these two items in the contract. He does not think they are required because they are things we are going to want to see before the agreement is actually signed. His recommendation is to remove these items.
- E.) 11.) u) and E.) 11.) v) Hay removed because these two items we want to see in place before the contract is signed.
- E.) 11.) w) Hay added nondiscrimination clause standard language.

**Randy Jobgen made a motion to approve and move the draft DMO contract as revised to the County Board. Seconded by Steve McIntyre and motion passed.**

Berlage discussed that the DMO contract will go to the County Board, after approval it will be forwarded to the DMO and the City of Galena. Merri Berlage expressed her concern that the CVB needs to start advertising for next year but is restricted right now due to the letter of intent. Berlage would like to see the letter of intent brought back to the table to address and either rescind it or let these two entities move on for the time being with their advertising plans. After much discussion it was the consensus of the committee to put the letter of intent on the September 13<sup>th</sup> County Board agenda. Ron Smith thanked Merri Berlage for all the time and work she has put into this contract.

- 5. Summary of Committee Activities** – Don Zillig, Legislative Committee, reported that Representative Stewart and Senator Bivins attended the August Legislative Committee meeting where the committee voiced their concern with the state funding and mandates. RJ Winkelhake, Law & Courts Committee, reported that funding for 9-1-1 is looking better. The committee heard about the issues as far as cities cutting back on hours for part-time officers and the sheriff is going to have a problem with covering the county with the staff he currently has. Randy Jobgen, Public Works, reported that seal coating is getting done, the wooden bridge on Council Hill is in progress and hopefully we will see something happening by the end of the month or first of October with starting the Galena Salt Shed project. Merri Berlage, Development & Planning Committee, reported that they discussed tiny homes at their last meeting and ideas on how to promote them. TCEDA had their open house last week which was very well attended. Lisa McCarthy is getting more inquiries about office space there. Dan Reimer commented that all ten counties are participating in NG-911 project.
- 6. Citizens Comments** – None.
- 7. Board Member Concerns** – None.
- 8. Closed Session** – **Randy Jobgen made a motion to enter into closed session at 9:15 p.m. for the purpose of personnel section 2(c)1 “The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.” Topic of discussion: CVB Staff. Seconded by RJ Winkelhake and motion passed. A roll call vote followed resulting in all ayes. At 9:25 p.m. Steve McIntyre made a motion to reconvene to open session. Seconded by RJ Winkelhake and motion passed. A roll call vote followed resulting in all ayes.**
- 9. Possible action as a result of closed session** – There was no action as a result of closed session.

The meeting adjourned at 9:26 p.m. following a motion made by Steve McIntyre. Seconded by Randy Jobgen and motion passed.

The next meeting of the Executive Committee is scheduled for Monday, October 3, 2016 at 7:00 p.m.