

ROCK ISLAND COUNTY FOREST PRESERVE COMMISSION
JANUARY 15, 2019 – 6:35 PM
PRESIDENT KAI SWANSON PRESIDING

1. Karen Kinney, County Clerk, called the roll: (Record)

D. Adams, D. Beck, L. Boswell-Loffin, R. Brunk, L. Burns, D. Cremeens, J. Deppe, D. Johnston, E. Langdon, K. Maranda, M. Mayberry, D. Mielke, L. Moreno, P. Moreno, R. Morthland, A. Normoyle, S. Noyd, C. O'Brien, R. Oelke, R. Reagan, R. Simmer, E. Sowards, B. Vyncke, J.R. Westpfahl, K. Swanson

TOTAL PRESENT 25

TOTAL ABSENT 0

(Clerk Kinney asked Edna Sowards for her votes orally due to her leg injury.)

2. President Swanson introduced Jeff Craver who addressed the Commission regarding the resources available from the Illinois Association of Park Districts, the current status of the Forest Preserve, Parks and Zoo as well as the upcoming projects for 2019. Mr. Craver stated that he sent out an email with a link for everyone to receive the weekly updates from the Illinois Association of Park Districts. They are one of the oldest and most successful agencies. They have a great team down there...they do lobby and keep you informed of legislation activities pertaining to Forest Preserve Districts. He added, "If you have any questions about legislation, Jason Anselman is accessible through email and will get back to you very quickly. They do have some other activities; they sponsor a day at the Illinois State Fair and are heavily involved in the development of commissioners. There is a great book I will provide to you regarding roles and responsibilities and holding the directors accountable. It is catered more towards park districts and is very relevant to what you folks do."

Mr. Craver continued reporting the Forest Preserve attendance was down in 2018, mostly due to inclement weather citing it was a very warm and rainy summer...KWQC stated it was the 14th wettest season on record. Mr. Craver added the audit was very good, fund balances are healthy in good standing and the Forest Preserve S&P rating was upgraded from an A to an A+ and the Bonds were upgraded from an A+ to AA. Mr. Craver concluded stating that 2018 was fairly free from any litigation or workman's comp. issues or claims pending and we expect to be back next year with better results. Mr. Craver gave thanks and recognition to Karen Kinney, Louisa Ewert and April Palmer for all the work they do for the Forest Preserve district and their great staff as well.

3. Commissioner Maranda moved to approve the December 18, 2018, Forest Preserve Commission minutes, as presented. Commissioner Beck seconded.

A voice vote was taken.

Motion carried.

4. PUBLIC COMMENTS: (4)

President Swanson stated, "I have Public Comments from Jim Uribe, Diana Bush, Scott Lohman and Andy Waeyaert who requested to address the Forest Preserve Commission."

Mr. Uribe addressed the Forest Preserve Commission regarding a request to implement a course of action that will eliminate the use of property taxes to subsidize Zoo revenues. Mr. Uribe stated, "The Niabi Zoo Strategic business plan, prepared by Schultz and Williams dated 2018, shows that the taxpayers of Rock Island County subsidize a significant portion of the Zoo's revenue. In 2016, 51% of the Zoo's revenue was subsidized by taxpayers. In Fiscal year 2017, 49% of the Zoo's revenue was subsidized by taxpayers and in FY 2018, 37% of the Zoo's revenue was budgeted to come from the taxpayers." He added, "Our concern is as Niabi Zoo continues to implement its Master Plan, the Board will continue to increase property taxes to pay for the Zoo's expansion. In fact, the revenue assumptions contained in this business plan shows a steady increase in taxpayer subsidies. In 2025, the taxpayers are projected to fund \$1.3 million or 25% of the Zoo's projected revenue of \$5.1 million. The business plan also shows that by 2025, the total expenses for the zoo are expected to be close to \$5 million. The increase in expenses are driven by the increase of buildings, infrastructure and marketing...veterinary services, facility and maintenance and the hiring of eight new zoo employees. Our belief is that Niabi Zoo needs to be self-funded and self-sustained. Furthermore, the plan projects that the county property tax will increase 1% to 2.5% annually, while the Hotel/Motel Tax will increase by 2% annually. If we allow the status quo to continue, the zoo tax will never go away and will continue to increase forever. We all know the tax situation in Illinois and its devastating impact. Last year, we lost 45,000 people. Since 2010, Rock Island County has lost 2,400 people. In addition, the average property tax rate in Rock Island County is more than double the national average. Simply put, we are taxed enough already and the zoo is a luxury the taxpayers can no longer afford. Therefore, we offer the following courses of action and the course to implement action one. Course of action one: 1) Transition the governance of Niabi Zoo to a Public/Private Partnership, P-3 with no taxpayer subsidies by 2021. Under a P-3 Agreement, the county will continue to own the zoo; however, a private entity will manage the zoo. Therefore, the private entity is responsible for managing the zoo and turning a profit. A highlight from the Niabi Zoo's Strategic Action Plan dated October 2015, states, 'there appears to be a consensus between zoo employees and society leadership as well as Forest Preserve Commission, that the status quo is no longer an option'...end of quote, we strongly agree. The status quo is no longer an option. It's interesting to me that there were several County Board

Members back in 2015 who saw the P-3 option of a Public/Private Partnership course of action as a way to increase private donations to improve efficiency and effectiveness. We feel this course of action represents a win-win for the county and the taxpayers of Rock Island County and future zoo visitors."

President Swanson stated, "Sir, your time is up and I appreciate that you read your conclusion."

Mr. Uribe added, "We beg the Board to reconsider the appropriate stakeholders of action two (2), is maintain the status quo, however, eliminate all taxpayer funding for the zoo by 2021 and implement course of action three (3), to divest in Niabi Zoo a caretaker status and market the land to a housing or commercial developer. This option has a potential to..."

President Swanson interrupted, "Sir, I am going to have to ask you to conclude. We have a 3:00 minute time limit and you are now at 3:45 seconds."

Mr. Uribe stated, "In conclusion, we urge the Board to implement course of action one (1) to reap the benefits of a P-3 and eliminate the zoo tax."

President Swanson stated, "Thank you very much and I will note that Mr. Uribe has given me his comments in print and any commissioner who would like a copy, I will be happy to provide that for ya. I am sorry, sir, but we do have to..."

Mr. Uribe added, "I will send everybody an email."

President Swanson stated, "Thank you very much. I do appreciate your understanding. Our next speaker is Diana Bush. I invite you to please use Mr. Reagan's microphone."

Ms. Bush addressed the Board regarding the Forest Preserve Commission, Niabi Zoo and Loud Thunder Park.

Ms. Bush stated, "Hi. It's Diana Bush, again, from Taylor Ridge, Illinois. I have been a taxpayer all my life in Rock Island County. Anyway, I am back and what I want to talk about is Loud Thunder. Like my home, I would love nothing more than to add a sunroom on the front of my house so that more people would stop over and be entertained. You only get that if you have the money. But to build cabins and RV pads with electrical at Loud Thunder makes no sense to me at this time. I don't care if it's from a grant...I don't know how the money is falling out of the sky, but as taxpayers, we don't have it. That is a luxury, not a need. Go back to Junior Achievement, wants vs. needs. I support Jim in his proposal for Niabi Zoo. It should be a non-profit, no tax...taxpayers should not be subsidizing that at all. And, let's see... Indian Bluff Golf Course is another one. If I have any recommendations, I will let you know when I come up with them. But at this time,

again, the county doesn't have money to maintain luxuries. We need to stay with our roads that need to be repaired, emergency personnel, but we cannot continue to maintain luxury items. We don't have the money. You are driving people away. It won't be long and homes won't be able to be sold in Rock Island County for fair market value. People go and look at a home and they turn around and go to the other side of the bridge...I know you guys have heard it before, but when they find out the taxes will cost them more than their mortgage, I would walk too. Ok, thank you."

President Swanson stated, "Thank you very much. Our next speaker is Mr. Scott Lohman."

Mr. Lohman addressed the Forest Preserve Commission with regard to Niabi Zoo and the Public/Private partnership with the Niabi Zoological Society."

Mr. Lohman stated, "I am here to talk about the zoo. We all want the same thing for the zoo. We want it to succeed and prosper, where it's headed and until the end game gets here, it's how we get there. So, it's a difference of opinion. Actually, you heard a couple of new opinions tonight...you know, some are a little different. My only thing is...the only reason I come here is because I want you all to be informed and I don't think you are all getting the message on a regular basis. The same thing, I don't play it out on paper...I don't think that's the place for it because then, the zoo is the loser. But I think there are things that we need to look at...because if you take...obviously, Hope Creek...if you take a look at the articles over the last number of years and replace the words Hope Creek with Niabi Zoo and where are you going to be in a few years? So, we are at the end of that rope right now for Hope Creek. But I don't want to have that happen down the road for Niabi Zoo. As you start getting into borrowing money from the General Fund...there was obviously a large discussion last week on that, where things were headed and where the deficit is. Attendance is down and it's been said that it's the weather, but it's an eight year thing...last year the attendance was down. It's been intense for a number of years. Yeah, did the weather have a hand in the attendance going down...but that's not the only reason. So, same thing...things have got to change and things must move forward. You adopted a business plan and adopted a master plan and things have to move forward and actually have to start putting things into motion. You know...the simple things. I am just dead wrong on things, based on the way that people talk to me. Well, it's like AZA. AZA is a great example...you won't be looked at to be approved until next September. In their original document, again this year, northern zoos do not apply for attendance in the fall. They came, you were closed. The document said closed zoos do not get inspected. You know, you weren't told that last month. It was mentioned at the academy and it was mentioned at the Executive meeting last month or last week. It's just that we are not following through and we need to do that. Again, it's just a matter of getting these issues moving forward. We are in the same boat. That's just what I wanted to reiterate and

hopefully, Mr. Craver has the list of all of the projects that need to be done for AZA. You should ask for that and you should see it and what is going to happen is it just needs to move forward. Thank you very much."

President Swanson stated, "Thank you, Mr. Lohman. The final speaker that has asked to address us this evening is Mr. Andy Waeyaert."

Mr. Waeyaert addressed the Forest Preserve Commission regarding support for Responsible Bidder Resolution.

Mr. Waeyaert stated, "My name is Andy Waeyaert and I live in Moline, Illinois. I work for the Indiana, Illinois, Iowa Foundation for Fair Contracting. We are a labor management organization. We are trying to improve conditions in the construction industry by raising the bar and the standards. Before you tonight is a Responsible Bidder Resolution. I strongly encourage you to support that resolution, as written. The Resolution really gives contractors who give work on our Forest Preserve properties...it's for tools of responsibility. They are accountable to certain actions they have to do. They have trained workforces and I strongly encourage you guys to support that as a step to move our county forward to be sure we are getting the right workforce out there...a trained workforce. I strongly encourage you to vote for that and also as a father of two little ones, we also like the zoo, so keep moving it forward. Thank you."

President Swanson stated, "Thank you, Mr. Waeyaert for that."

5. PRESIDENT'S COMMENTS:

President Swanson stated, "The only comment I would make is that we make our best decisions when we use accurate data...that we are down to six people left in Rock Island County with a constantly bleeding population. It's important to note that today I had a meeting with Mr. Snider and the leader from the Dorris-Victor Foundation Center including Laura Fontaine, who some of you have met. She is contracted with the Foundation on getting an accurate count in the 2020 census. The federal government estimates that it undercounted Rock Island County's population by 28,000 persons in 2000...or in 2010, rather. So, as we talk about a potential loss of 2,000, remember if we simply and accurately count our fellow citizens, our population will increase by 28,000. So, I offer that first to let you know that data and myth are two different things. And secondly, when you see opportunity to support the 'Let's All Count' initiative that's being taken by a consortium of local non-for-profits, social service providers and foundations, you will see if there is a way that you and your District can help promote a fair and equitable count of the citizens of Rock Island County. Thank you very much to the attention to that matter."

6. Commissioner Maranda moved to approve the Forest Preserve Fund claims in the amount of \$27,847.74, Niabi Zoo Fund claims in the amount of \$80,712.47, the Liability Fund claims in the amount of \$2,501.35, Loud Thunder Spillway & Improvement Fund claims in the amount of \$107,034.47, and the Marvin Martin Fund claims in the amount of \$80.80. Commissioners Langdon and Normoyle seconded. (Record)

A roll call vote was taken.

D. Adams, D. Beck, L. Boswell-Loffin, L. Burns, D. Cremeens, J. Deppe, D. Johnston, E. Langdon, K. Maranda, M. Mayberry, D. Mielke, L. Moreno, P. Moreno, R. Morthland, A. Normoyle, S. Noyd, C. O'Brien, R. Oelke, R. Reagan, R. Simmer, E. Sowards, B. Vyncke, J.R. Westpfahl

TOTAL YES 23

TOTAL NO 0

Motion carried.

7. Commissioner Maranda moved to approve the Treasurer's Disbursements in the amount of \$19,847.51. Commissioner Deppe seconded. (Record)

A roll call vote was taken.

D. Adams, D. Beck, L. Boswell-Loffin, L. Burns, D. Cremeens, J. Deppe, D. Johnston, E. Langdon, K. Maranda, M. Mayberry, D. Mielke, L. Moreno, P. Moreno, R. Morthland, A. Normoyle, S. Noyd, C. O'Brien, R. Oelke, R. Reagan, R. Simmer, E. Sowards, B. Vyncke, J.R. Westpfahl

TOTAL YES 23

TOTAL NO 0

Motion carried.

8. Commissioner Maranda moved to waive the reading and approve the Semi-annual Review of Closed Session Minutes Resolution, as presented. Commissioner O'Brien seconded.

Commissioner Cremeens was recognized.

Mr. Cremeens stated, "I just would like to say, we are a public entity. We are elected by the taxpayers. We are using taxpayer money...and think the minutes should be open. I think we should protect the innocent names and addresses, but as far as the information goes, I disagree with closing them."

Commissioner Mayberry was recognized.

Ms. Mayberry stated, "Thank you, Mr. President. I would point out in our packet; the closed minutes include matters including personnel and more importantly, litigation...as most recently as 2017. I think that's the reason why these minutes are considered by the Board to be kept closed and I would support the same."

President Swanson stated, "And, this was helpful information for me when I came on the Commission and the Board so I thought I would share it here. This is done routinely and it is a backstop to check for the things that are not being illegally kept off public view. It is the prerogative of commissioners to go to the District office and review these at any time. But as Ms. Mayberry has astutely observed, there are many good reasons why...like for liability's sake, that we keep these in a closed format. But, it is your right as a commissioner to inspect those at any time."

Commissioner Simmer was recognized.

Mr. Simmer asked, "Is there some kind of an endpoint on any one of those? I mean after 20 years...even the Kennedy files and the Nixon files are open. I mean, at what point is it allowable?"

President Swanson stated, "A sunset. I am not sure about that provision...do you know, Mr. Craver?"

Mr. Craver answered, "I don't believe so. Whether it's my recommendation or our legal folks or after a commissioner reviews those and makes a case for each one to specifically be opened, so be it. Like I said, there is litigation in there...there is personnel of prior employees and the matters of those and the folks who want to see how people voted afterwards. I mean votes are still public record. So, based on the motion that came out of a closed session, is whether the information could be obtained. But, my recommendation would be to keep them closed for the reasons why they were in closed session. Like I said, I would be happy to give you permission to review them."

Commissioner O'Brien was recognized.

Ms. O'Brien stated, "I don't know if I have to wait for my mic or not..."

Ms. Kinney answered, "Yes, you do."

Ms. O'Brien stated, "Okay. Can you hear me now?"

President Swanson stated, "Yes."

Ms. O'Brien stated, "I believe I will say that these minutes should remain closed. The oldest personnel action on here is from 1986. And, you might think that with a personnel matter that the person may be long gone, but I was alive and working in

1986, so...I would like to think that the person is still alive. However, let me just make a statement. We should make an administrative change that once you have voted to maintain these as a closed file; they go into the archives of closed files so that we don't keep looking at files from 1986 over and over again. I don't know if that's an option?"

President Swanson answered, "No its not...but that's a good idea. But we are construent."

Ms. O'Brien added, "Well it was an idea because we have to keep going over the same list as it gets longer and longer."

President Swanson stated, "And that's the public accountability check. So, in between those..."

Ms. O'Brien interrupted, "I am not saying that we shouldn't vote and review them after a period of time. I am just saying that once we've voted on them, it seems redundant to keep going back."

Commissioner Beck was recognized.

Ms. Beck stated, "I am a little confused. Is my mic on?"

President Swanson asked, "We are looking for Ms. Dorothy Beck, please."

Ms. Kinney stated, "Okay...I can't see her over you."

Ms. Beck asked, "Am I understanding that we never open closed session minutes?"

President Swanson stated, "They can be opened."

Ms. Beck added, "Do you ever open closed session minutes?"

President Swanson answered, "Not in my experience."

Ms. Beck stated, "That is in contrast to my experience in similar situations. There were legal reasons for keeping them closed and some of them were personnel matters, but for example, if it was pending litigation, they stayed closed as long as the litigation was pending. But once it was resolved, that portion of the minutes gets opened."

President Swanson stated, "It's my understanding that we are required by law, as a Forest Preserve entity."

Mr. Craver stated, "All public entities are required by law to review these."

Ms. Beck added, "I am just concerned that we never open any closed session minutes."

Commissioner Simmer stated, "I am not sure when, but I am certain we have opened some. But, it has not occurred in a very long time. It was earlier in my tenure."

President Swanson stated, "So, it has happened?"

Mr. Simmer added, "Most of those were taken out on individuals, not as a blanket with everything cleared, they were like 20 years old and were way past the time, they were gone."

President Swanson stated, "I would strongly encourage for the sake of moving forward with our business, any commissioner that wishes to see a change in policy to please schedule a time with Mr. Craver to go over the policy and strictures we are under with the State of Illinois, to look at those records and review them to your heart's content and then come back with a proposal. I assure you that the Executive Committee would entertain any proposal wanting to be made by any individual commissioner regarding opening closed meetings."

A roll call vote was taken.

D. Adams, D. Beck, L. Boswell-Loftin, R. Brunk, L. Burns, J. Deppe, D. Johnston, E. Langdon, K. Maranda, M. Mayberry, D. Mielke, L. Moreno, P. Moreno, R. Morthland, A. Normoyle, S. Noyd, C. O'Brien, R. Oelke, R. Reagan, R. Simmer, E. Sowards, B. Vyncke, J.R. Westpfahl

TOTAL YES 23

D. Cremeens

TOTAL NO 1

Motion carried.

9. Commissioner O'Brien moved to approve the Grant Appropriation Amendment for the General Fund – River Action Grant, as presented. Commissioner L. Moreno seconded.

A roll call vote was taken.

D. Adams, D. Beck, L. Boswell-Loftin, R. Brunk, L. Burns, D. Cremeens, J. Deppe, D. Johnston, E. Langdon, K. Maranda, M. Mayberry, D. Mielke, L. Moreno, P. Moreno, R. Morthland, A. Normoyle, S. Noyd, C. O'Brien, R. Oelke, R. Reagan, R. Simmer, E. Sowards, B. Vyncke, J.R. Westpfahl

TOTAL YES 24

TOTAL NO 0

Motion carried.

10. Commissioner Maranda moved to approve the Resolution regarding Responsible Bidders, as presented. Commissioners Adams and Boswell-Loftin seconded.

Commissioner L. Moreno was recognized.

Mr. Moreno stated, "Yes, I would like to discuss about what we had discussed at the committee meeting because I think you should be aware. And, I am not one way or the other, but I think that you should be aware. There was discussion about adding additional language in which read, 'And where a responsible bidder would in the case of bidding on constructional projects for new facilities, renovations or current facilities and road projects over \$25,000 were excluding certain specialized projects at the District's Niabi Zoo, Indian Bluff Golf Course or other Parks and facilities represented by the Commission means a responsible bidder as defined in 70 ILCS 805/80(b) the Downstate Forest Preserve Act. The Forest Preserve Commission of Rock Island County may consider the following in its determination'...and it goes on. So, I had some discussion where people talked to other people including Mr. Adams and Mr. Brunk about what that meant to unions and everything else...and what they stated was that if you read the packet, letter (k) should cover that. And, I did read it and looked at it and I heard other people's opinions...and I just want to make sure that conversation happens so that we are all in agreement. Is it covered or is it not covered? Do we need to make an amendment to this...to this proposal or not? But, I would like to hear all of your discussion on this."

President Swanson stated, "So, just for the record, the amendment has not been proposed, but the general motion is under discussion."

- 10a. Mr. Moreno stated, "I would like to make an amendment to cover it to have discussion. Because I think the discussion has to be made. There needs to be something on record saying that we talked about it and yes, it is or no, it isn't. If we turn this down because someone wants to go on record saying this is covered by (k), I would like to hear that."

President Swanson asked, "May I ask, do you have that in printed form?"

Mr. L. Moreno answered, "No I do not have it in printed form. I have it on my phone. Do you want to see it?"

President Swanson stated, "I just want to make sure that it's read into the..." Mr. Swanson asked Ms. Winstead, "You've captured him on the recording, right?"

Ms. Winstead nodded yes.

President Swanson stated, "Ok, so we do have that. A motion to amend the resolution is before the house, as described by Mr. L. Moreno. Do we have a second?"

Commissioner Simmer seconded.

Commissioner Mayberry was recognized.

Ms. Kinney stated, "We are having issues with the mics..."

Ms. Mayberry asked, "I don't have a mic, so I will speak loudly. Can we be clear on exactly what the amendment is? I don't know if I missed it or what the language change is."

President Swanson stated, "I think I have it on my phone...bear with me a minute here. I appreciate your patience here."

Ms. Kinney asked Ms. Mayberry, "Is that your only question, Mia?"

Ms. Mayberry answered, "Yeah."

Ms. Kinney added, "...because you can come up here if you need to."

Mr. L. Moreno asked, "Would you like my phone?"

President Swanson answered, "Yeah, if you would please. I am terribly sorry; I am not going to be able to find it. As Mr. L. Moreno stated, this was discussed at the committee meeting and before we get to that, I want to answer the request of Ms. Mayberry and read the language. Okay, so in your printed document...you have an opening paragraph under the heading, 'Defining a Responsible Bidder' that paragraph in your document begins:

'A responsible bidder'...and ends with the words '...in its determination.'

President Swanson added, "This is what's considered a substitute amendment for that entire paragraph reading thus:

'A responsible bidder, in the case of bidders for construction projects, new facilities or renovation of current facilities and road projects over \$25,000 but excluding certain specialized projects at the District's Niabi Zoo, Indian Bluff Golf Course, Parks or Preserves deemed as such by the Commission, means a responsible bidder as defined in 70 ILCS 805/80(b) of the Downstate Forest Preserve Act. The Forest Preserve Commission of Rock Island County may consider the following in its determination.'

President Swanson added, "...and that's the entire amendment. It's been moved and seconded. And, so any discussion thereon...thank you Mr. L. Moreno. We will start with Ms. O'Brien and move on to Mr. Noyd."

Commissioner O'Brien was recognized.

Ms. O'Brien stated, "Okay, I don't know if my mic is on?"

Ms. Kinney stated, "One second...and it's on."

Ms. O'Brien stated, "Okay. In respect to the new Commission Members, I was able to be at the Executive Committee meeting. I heard and saw the written language that President Swanson is suggesting. However, I hear compelling arguments from members of labor that (k) addresses the concerns of President Swanson. I also see members of the community and experts in construction in our building, here and Corey from the union in Moline. They obviously have concerns and want this language to stay intact the way that it is...the way everyone was emailed. I would suggest, Mr. President that we table this and hold off on a vote and make it more transparent. Give the new Commissioners something in writing. I know you gave me a copy of it, but maybe everyone didn't see what you sent me. So, I believe this is being too quickly considered tonight."

President Swanson asked, "Are you speaking to the motion to amend?"

Ms. O'Brien answered, "Yes. I have a problem with the motion to amend because I believe that some of the newer Commissioners may not have had a chance to address it."

President Swanson stated, "But, you are asking for a postponement. Are you postponing the motion to amend or are you meaning to postpone the main motion, which is the resolution?"

Ms. O'Brien answered, "Postponing the motion to amend. I do not believe we should do this amendment."

President Swanson stated, "Okay, thank you very much. Mr. Noyd."

Commissioner Noyd was recognized.

Mr. Noyd stated, "I have a question where it says...who deems the special projects? Who came up with this wording in here and what is a special project?"

President Swanson answered, "I can answer that. That was put together with input from staff. The answer to the first part of your question is the Commission. The Forest Preserve Commission would make the determination that a project is specialized to the Zoo industry. So, it says in the language by the Forest Preserve Commission in the amended language. So, the rationale for doing so...that was also part of your question or the origin for doing so is,...in talking with the staff, there are certain times when the zoo has, for instance, we have a project to replace big cat doors in our big cat enclosure, that there are purveyors of those services that are recognized across the zoo industry and are even listed on the Association of Zoos and Aquariums website for their work in that regard. So, that was at the time...I am very grateful to Mr. Adams for pointing that out to me that those resolutions put us into a great deal of liability with the way that those were presented. In taking that month that we needed to make sure that the I's were dotted and T's were crossed, I thought it was very important at the assistance of Mr. Waeyaert, that we do have a responsible bidder resolution and not next month, but this month, if possible. So, we moved it forward. This was an attempt to resolve two things...my own concern as President of the Commission is, when we sit as the Commission, our primary interest...our duty of loyalty is to the well-being of the facilities of our charge. That means if the best possible purveyor comes to be an AZA certified purveyor from Arizona, who is not in the good graces of any local or regional federation or foundation, then we must see the interest of the Zoo, first and foremost. So, from a governance perspective, that's the rationale for doing that."

Mr. Noyd stated, "What you keep bringing up is the Zoo, but this includes Indian Bluff, the Parks and other Preserves. What I am hearing right now concerns the Zoo. Is this just..."

President Swanson interrupted, "This was at the request of the staff."

Mr. Noyd finished, "...the zoo?"

President Swanson stated, "Functionally, if we were to call..."

Mr. Noyd interrupted, "Who is the staff?"

President Swanson answered, "That's Mr. Craver, Mr. Jackson, Mr. Petersen, Mr. Mills...ya know, I am answering your question. That's the staff...that's who you asked for."

Mr. Noyd asked, "But, he doesn't want responsible bidders?"

President Swanson answered, "No. We DO want responsible bidders."

Mr. Noyd stated, "That's all I am asking."

President Swanson added, "If you adopted this motion to amend, the District would still be liable for all...every stricture that we are under anyway, which means prevailing wage. It means EEOC compliance. It means everything that we would normally be liable to. This is just saying that there might be certain...well, the practice is...what would happen is staff would have to make the case. And if 13 Commissioners, good and true decide that they have made that case, they could vote to use that as an exception and call it a specialty project. But if they fail in making that case, and only 12 Commissioners agree that it's a specialty project, it absolutely has no binding...we wouldn't use that specialty clause and it would be as it is stated in the 'responsible bidder' language from the Illinois State Code."

Commissioner Adams was recognized.

Mr. Adams stated, "My opinion on it is that when you put the language in it that says the Commission is going to be able to say if that contractor can do that specialty work...you've put the Committee, that Commission at liability. Number one, I have been in construction since...about 29 or 30 years, and I can't tell you if a contractor is 'special' or if they can do that specialty work. I don't think anybody on this Board can. That's your architects. So basically by putting your amendment in there, you have put it in there that it is up to this Commission to state if they can do that specialty work. You are putting us at liability risk...and (k) does cover that. There is such a thing when you go out to bid projects, if you want to use something special or a specialty like gates or something like that; you put that into your bid specs by your architect to say you have to use XYZ gates. So, that way any local contractor can still bid on this project."

President Swanson stated, "I appreciate that. Thank you very much. Are there any other comments on the amendment language? Mr. Deppe, then Mr. Reagan and Ms. Normoyle."

Commissioner Deppe was recognized.

Mr. Deppe stated, "Since you brought it up..."

President Swanson stated, "Can you make sure your microphone is on..."

Ms. Kinney stated, "It's on, okay Mr. Deppe."

Mr. Deppe stated, "Since you brought it up, you were talking about the contracts from last month. One of the contractors that you wanted us to accept from Arizona would not get a performance bond. A performance bond is that you are guaranteeing those doors. He was not going to guarantee his work. So, part of what you are saying...that we've been hearing is that there has been shocking work that did not meet AZA. If we want our contractors to be AZA approved, we put that in the bid spec. It's just a society to pay \$100 bucks to. It's like me being a part of the NAACP. I pay dues to it. It doesn't make me a good contractor or a good member, it's just dues. And from there, you have your bond that the contractor should be pulling from to do the work. That's what this article calls for. This is what we were telling you. If you have a guy coming in from Arizona that's going to do this work and he is saying he is not going to bond his work and not guarantee it, that's a red flag."

President Swanson stated, "If I could, just for a point of order...and I am grateful to Mr. Adams for pointing this out to me, there was all sorts of things that were wrong with that and took it off, as you will recall. It raised the issue, though,...because I was getting calls and input from other sources other than Mr. Adams that we just simply couldn't consider these guys."

Mr. Deppe stated, "This article gives us the right to go back and sue. It gives us the key."

President Swanson stated, "Right. Thank you very much. Mr. Reagan and then Ms. Normoyle."

Commissioner Reagan was recognized.

Mr. Reagan asked, "I just had a quick question."

President Swanson reiterated, "Please make sure your microphone is on."

Ms. Kinney stated, "It's on."

Mr. Reagan asked, "People are talking about (k). What is (k)?"

President Swanson answered, "If you'll look in your resolution, there are items (a) through (k). Letter (k)...and for those who are here in our audience, just so you are aware...letter (k) reads: 'Any other factors which are relevant to the determination of a bidder's ability to carry out the requirements of the project in accordance with what might be expected or demanded under the terms of the contract. So, thank you. Does that answer your question?'"

Mr. Reagan nodded yes.

Commissioner Normoyle was recognized.

Ms. Normoyle stated, "I was going to ask that."

President Swanson state, "Oh, okay...thank you very much. Are there any other questions...now, this is on the amendment to the main motion. Are there any questions or comments on the main motion?"

Commissioner L. Moreno was recognized.

Ms. Kinney stated, "Your mic is on."

Mr. L. Moreno asked, "I thank Mr. Deppe and Mr. Adams...that's what I wanted to hear. I just wanted to make sure and with that explanation, I withdraw my..."

President Swanson asked, "Motion to amend?"

Mr. L. Moreno stated, "Yes...motion to amend."

- 10b. President Swanson asked, "Do we have concurrence to the second of the motion? (Inaudible...no sound, no response) The motion is withdrawn."

President Swanson stated, "Now, we move to go back to the main motion. Are there any further questions or discussion on the main motion?"

Commissioner Beck was recognized.

Ms. Beck asked, "With the approval of this..."

President Swanson stated, "I just want to be sure your mic...Dorothy Beck, she's number 21."

Ms. Kinney stated, "Oh, I can't see her, she's behind your monitor."

President Swanson stated, "I am sorry."

Ms. Beck stated, "Would the approval of this motion mean that it would be going ahead with the things that we have postponed indefinitely last month?"

President Swanson answered, "No...no, no, no. Those are out of consideration. It would require an entirely separate bid and the direction given to the staff was to start that process over and make sure that the concerns that were raised are addressed in letting that bid."

Ms. Beck stated, "Thank you."

President Swanson stated, "Thank you very much. That's a very important point of clarification. Any further discussion?"

Commissioner Normoyle was recognized.

Ms. Kinney stated, "Your mic is on, Angie."

Ms. Normoyle stated, "So, I am just going to summarize because I am new here, the whole understanding of it. So, what we've just discussed and understood here is that the point(k) under this resolution allows the Zoo or the Park Board or anybody to seek the special services if they are required in a bid as long as they meet those other...(inaudible)"

President Swanson stated, "As long as the rest of the resolution...yeah...right, right."

Ms. Normoyle stated, "The concern initially was that we get the best contractors for the jobs that we have, correct? So, this would cover...we are hoping it would cover all of this."

President Swanson stated, "I want to make it very clear...that other motion was withdrawn, so we are not referencing any particular project, bid, bidder or anything at that time...we just used them as object examples in perfecting our governance is what it is. Is that? Okay."

Ms. Normoyle answered, "It does. I just wanted to check my understanding..."

President Swanson interrupted, "Thank you."

Ms. Normoyle added, "...of the situation."

President Swanson added, "I appreciate it."

Commissioner Beck was recognized.

Ms. Beck asked, "Just one more question...does this resolution mirror anything that the county already operates under?"

President Swanson stated, "The county has a 'responsible bidder' Ordinance. It's the nature of the Forest Preserve Commission that we don't have Ordinance making ability. So, we make resolutions. This is the closest procedure that we can take."

Ms. Beck stated, "Thank you."

President Swanson asked, "Any other points? I want to thank you all for a very fruitful discussion before we take the vote. I would like for those in favor of the resolution, un-amended, to signify by saying 'Aye'."

Commissioner Maranda stated, "It's a roll call vote."

President Swanson stated, "Oh, thank you very much....thank you very much, it is a roll call vote. I ask the Clerk to kindly call the roll."

A roll call vote was taken.

D. Adams, D. Beck, L. Boswell-Loffin, R. Brunk, L. Burns, D. Cremeens, J. Deppe, D. Johnston, E. Langdon, K. Maranda, M. Mayberry, D. Mielke, L. Moreno, P. Moreno, R. Morthland, A. Normoyle, S. Noyd, C. O'Brien, R. Oelke, R. Reagan, R. Simmer, E. Sowards, B. Vyncke

TOTAL YES 23

J.R. Westpfahl

TOTAL NO 1

Motion carried.

11. Commissioner Adams moved to approve the Harris Bid #1 for the golf carts for \$126,400.00, as presented. Commissioners Simmer and Beck seconded.

Commissioner Mayberry was recognized.

Ms. Mayberry asked, "Yes, Mr. President...when was the last time the carts were replaced?"

President Swanson stated, "Oh...I am going to ask Mr. Craver. It's been...yeah, so, I think...when were the last time the carts replaced?"

Mr. Craver answered, "About 5 years ago."

President Swanson stated, "Yeah...there is a mathematical equation that goes into it. You get a sweet spot where you can still get some replacement value with it and we are getting replacement value."

Ms. Mayberry stated, "I saw that. So, is it pretty typical every five (5) years...approximately every five (5) years to replace them?"

Mr. Craver stated, "Last time we kept them for eight (8) years and around year six or seven, we had to start replacing every single battery. And, then you throw in the costs to keep them up and throw in staff, labor and dissatisfied customers because

of a cart going off course. So, we put it out to bid and last time we did not get fuel injected carts...these are a little more expensive but we will get a better trade-in. The company we bought prior to getting the parts is Harris; they are familiar with our staff and know how well we keep them. We will get a more than fair and reasonable trade-in value for them. So, there are funds that we set aside to replace the carts. And, at this point in time, I think it would be advantageous for the District to take advantage of the trade-in and purchase the new carts, as recommended."

Commissioner Simmer was recognized.

President Swanson reminded, "And, could you please use your microphone."

Mr. Simmer stated, "I just wanted to give you guys some fore-thought to this, the guys that have been on here forever, Moose, Don and Ed...um, we were here when we made that decision and we discussed that. It was a great thing on their part to do that...if they are worth more at the time of trade-in value, it may cost more, but you would get something back and so I commend Jeff and his staff to come up with that...that's a great thing because we can actually see it...so, thank you."

President Swanson stated, "And to get out before the carrying cost goes higher."

Mr. Simmer added, "That was a very good thing for us...so, thank you."

President Swanson asked, "Did I see Mr. Reagan's hand? Please use your microphone."

Commissioner Reagan was recognized.

Mr. Reagan asked, "Do the rental fees usually cover the costs?"

President Swanson answered, "Oh yeah. And, then part of that goes into this fund that we anticipate replacement. So, I think this is a textbook example of good stewardship. That's my opinion. Any further discussion on the resolution?"

A roll call vote was taken.

D. Adams, D. Beck, R. Brunk, L. Burns, D. Cremeens, J. Deppe, D. Johnston,
E. Langdon, K. Maranda, M. Mayberry, D. Mielke, L. Moreno, P. Moreno,
R. Morthland, A. Normoyle, S. Noyd, C. O'Brien, R. Oelke, R. Reagan, R. Simmer,
E. Sowards, B. Vyncke

TOTAL YES 22

L. Boswell-Loffin, J.R. Westpfahl

TOTAL NO 2

Motion carried.

12. Commissioner Maranda moved to approve the 2019 District's Fees Schedule, as presented. Commissioner O'Brien seconded.

President Swanson stated, "I do want to raise one strategic issue to make you aware of. As Mr. Craver has pointed out, there is a strong possibility that the minimum wage will increase in the State of Illinois in the coming year. An increase in the minimum wage will mean an increase in the expenditures of the District because many of our staff that help out with the functions we have at Loud Thunder, Niabi, Indian Bluff and so on...are at that minimum wage and there would be an increase. So, there may be a necessity to revisit the Fees Schedule in the event that we...we don't want to get off kilter with that. So, I am just rising that as a strategic concern that I hope you will be aware of moving forward. But other than that, are there any other discussion on the Fees Schedule?"

A roll call vote was taken.

D. Adams, D. Beck, L. Boswell-Loffin, R. Brunk, L. Burns, J. Deppe, D. Johnston,
E. Langdon, K. Maranda, M. Mayberry, D. Mielke, L. Moreno, P. Moreno,
R. Morthland, A. Normoyle, S. Noyd, C. O'Brien, R. Oelke, R. Reagan, R. Simmer,
E. Sowards, B. Vyncke

TOTAL YES 22

D. Cremeens, J.R. Westpfahl

TOTAL NO 2

Motion carried.

13. **Comments from Commissioners (Two)**

Commissioner O'Brien was recognized.

Ms. O'Brien stated, "Just a..."

President Swanson interrupted, "And, just want to be sure the mics are on and that also helps Rebecca too."

Ms. Kinney stated, "They are on."

Ms. O'Brien stated, "Okay, I just wanted to point out to the group that I heard somebody in the audience complaining about the cost of cabins and so forth at the Forest Preserve. And, I really think we, as a group of Commissioners, need to make sure we are educating the public. That business plan that Jeff Craver and his staff wrote, was pretty darn good to cover the cost of the cabins, the extra RV camping...all of those extra things are built into that bond and that plan and it was studied for a long time before we bonded the money to do the improvements. So, I wanted to put this on the record that the Commissioners really need to make sure that the public understand what we did, why we did it and that we are not just willy-nilly raising taxes for stuff we cannot afford. We've got a business plan. That's all I want to say. Thank you."

President Swanson asked, "Thank you very much, I appreciate that. Are there any other comments from Commissioners? Mr. Mielke, please make sure your mic is on."

Mr. Mielke stated, "I appreciate your sharing the census error. Was it 28,000...is that correct?"

President Swanson answered, "Yeah, the estimated undercount was 19% of the total population which would work out to in excess of 28,000."

Mr. Mielke stated, "That's significant and I would say...and I can't remember what census it was since I have seen so many, but in Coal Valley there was an error where a good chunk of Coal Valley was provided to Moline. And, that is significant in a town that size. It was an error and errors do happen but I want to say I would be interested in knowing, regardless of under population or over population estimates of the census...I would like to see the numbers for the exodus because I do think there is a significant problem and not just in Rock Island County, but in Illinois...an exodus. But it's not due to student populations at WIU, its people choosing to vote with their feet. And, I think as a Board, I think we...if we need to go to the Chamber of Commerce or whatever...I would be interested in knowing what those figures are. I would love to know that. If someone could find that, maybe I would contact you. I would love to know that because I think that would need to be said if we are really facing an exodus."

President Swanson asked, "Thank you. Are there any further comments from Commissioners? At this time, I hope that you have had the opportunity to read the excellent reports prepared by our staff leadership."

14. Commissioner Maranda moved to approve all the Routine Reports from the Director and Department Heads of the Forest Preserve Commission. Commissioner O'Brien seconded. (Record)

A voice vote was taken.

Motion carried.

President Swanson stated, "A quick summary of the Executive Committee action. The staff continues to work through their forest management plans during the off season. And even in the off season...it's a great time to see Illiniwek, Dorrance and Loud Thunder. You are going to see some amazing things. The Committee had a good discussion regarding Niabi funding and projects needed to regain the AZA Accreditation and prioritization thereof. And I am pleased to say that Dr. Rod Simmer has accepted his appointment as the District's President Pro Tempore. That's all from the Executive Committee."

The next meeting of the Forest Preserve Commission is Tuesday, February 19, 2019, immediately following the meeting of the Rock Island County Board.

President Swanson declared the Forest Preserve Meeting recessed.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Karen Kinney", written over a horizontal line.

KAREN KINNEY
COUNTY CLERK AND SECRETARY
OF THE FOREST PRESERVE COMMISSION

KK:rw