

**MANAGEMENT SERVICES COMMITTEE**  
**McHenry County Government – Administration Building**  
**667 Ware Road**  
**Woodstock, IL 60098**

MINUTES OF TUESDAY, APRIL 13, 2010

Chairman Schuster called the Management Services Committee meeting to order at 8:30 a.m. The following members were present: Chairman Ersel Schuster; Tina Hill; Lyn Orphal; Pete Merkel; Paula Yensen and Yvonne Barnes. Kathleen Bergan Schmidt arrived at 8:38a.m. Also in attendance: Peter Austin, County Administrator; John Labaj, Deputy County Administrator; Adam Lehmann, Administration Intern; John Hadley, Facilities Management; Cathy Link, Purchasing; Tom Sullivan, IT; Representatives for AWAL(Alliance for Land Agriculture and Water), interested public and the press.

Ersel Schuster, Chairman	
Yvonne Barnes	Tina Hill
Pete Merkel	Lyn Orphal
Kathleen Bergan Schmidt	Paula Yensen

MINUTE APPROVAL

Committee members reviewed the Management Services Committee minutes of March 9, 2010. Chairman Schuster noted some minor typographical errors. Ms. Barnes made a motion, seconded by Ms. Yensen to approve the minutes as amended. The minutes were approved with all members present voting aye on a voice vote.

PUBLIC COMMENT

None

PRESENTATION

None

NEW BUSINESS

*Resolution authorizing settlement of Workers' Compensation Claim 08-5100-06:* Committee members reviewed a Resolution authorizing settlement of Workers' Compensation Claim 08-5100-06. Mr. Labaj reported that this resolution had the wrong claim number listed and a corrected Resolution has been placed on the desk for review. This claim is for a case management RN that is staff in the Health Department. While going to a home visit with a client, the resident's dog, jumped at the door causing the employee to fall off the step to the ground. An MRI showed a lateral meniscus tear, advanced chondromalacia and a partial ACL tear. After discussion, Ms. Yensen made a motion, seconded by Ms. Orphal to recommended approval of the above Resolution as submitted. The motion carried with all members present voting aye on a roll call vote (Barnes, Hill, Merkel, Orphal, Yensen, Schuster) Mr. Labaj noted that with each settlement they try to create "corrective actions" in order to prevent future injuries, but, since this happened at a clients home it is hard, other than to tell the employees to be careful on home visits to those homes where they have animals, and to make sure these animals are restrained prior to a visit, there is not much that can be changed.

*Resolution authorizing settlement of Workers' Compensation Claim #05-6100-09:* Committee members reviewed a Resolution authorizing settlement of Workers' Compensation Claim #05-6100-09. Ms. Orphal made a motion, seconded by Ms. Schmidt to recommend approval of the above Resolution as presented. Mr. Labaj reminded committee members that some cases would require a Medicare set aside. This is that type of case. This LPN was kicked by a resident while attempting to get the resident into the shower. An independent medical examination concluded that this injury was work related. After three surgeries, the employee underwent a total knee replacement. The employee has had poor results from her knee replacement. The employee applied for and is receiving Social Security Disability. This has resulted in a career ending injury. This requires a Medicare set aside for future treatment. Medicare reviews each case individually to make sure the set aside is appropriate. The county will pay only \$101,000 and the insurers will pay the remainder of the claim. The motion carried with all members present voting aye on a roll call vote (Hill, Merkel, Orphal, Schmidt, Yensen, Schuster) Corrective action has been taken at Valley Hi. Employees are not to force a resident into the shower if they are agitated.

Ms. Schmidt arrived at 8:38a.m.

*Review of recent State OSHA inspections of McHenry County Government facilities:* Mr. Labaj joined committee members to discuss recent OSHA inspections of McHenry County Government facilities. A complaint was filed on March 2<sup>nd</sup> with OSHA regarding unsafe conditions at the facilities, resulting in an

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inspection. These are the first inspections in 15 years. Under the new Federal OSHA program, if a State adopts the Federal OSHA guidelines, the State will receive funds from the Federal Government to fund their OSHA program. OSHA officers have been assigned to McHenry County. The officer will tour all of the County facilities to review the safety issues across the board. A union representative must be available during these inspections, if available. Citations, if any are due within 30 days. The County received 18 citations. Mr. Labaj stated he considered these issues, non-health and life safety issues. The County has 30 days to fix any issues. 90% of the issues have been resolved at this time. No fines have resulted from these citations. If these issues are not addressed then fines could be implemented. Last Tuesday there was an inspection of the Sheriff's Administration Office and Firing Range. This inspection resulted in 3 minor violations, which have already been corrected. Committee members questioned if any of the County's insurance companies inspect the facilities. They were informed that Traveler's does a yearly inspection for fire and life safety issues. The County will be conducting OSHA training for the Department Heads on Hazard Assessments. Training will be held to beef up awareness in April and May. Training will be provided by Titan Risk Management, who are experts in the field. The County has attended some of the training programs at Titan in the past. Mr. Labaj reported that the committee would receive updates as OSHA inspections are completed.

### OLD BUSINESS

*Disclosure Ordinance Update:* Representatives from ALAW (Alliance for Land Agriculture and Water) joined committee members to discuss the issues that were sent to them to address concerns issued by committee members and review an updated Disclosure Ordinance. Committee members voiced concern that ALAW wants to include "consultants" as individuals that would be required a disclosure. They stated the County uses all forms of consultants that provide services to the County and this disclosure is to be for persons that serve on a board or commission. It was questioned who would disclose this information for them? They stated we also have consultants in Washington DC. Who in the firm would be required to file the forms, the consultants or helpers? Committee members suggested this document be reviewed by the State's Attorney with highlights of the points they do not agree with, so these issues could be removed or revised. They stated that some of the items are value judgments and other issues redundant to the Ethics Ordinance and they do not feel this document is the place for these issues. Chairman Schuster stated that ALAW took the time to review/rewrite the document and if the committee members want their issues addressed, they need to forward their comments to ALAW prior to sending this document over for a State's Attorney's opinion. Committee members noted that in the beginning of the document it states that its purpose is to "restore" the residents of the county "confidence" in their elected and appointment officials. They stated that they do not feel that the residents feel that way and noted the word needed changed. Committee members stated they did not feel that the type of applicant should not be omitted, just because they are representing a certain industry. They also voiced concern that the fines are much too high. Concern was voiced on the section that would require a public official to file a revised statement if there should be an event that would require a change of information. They questioned who would be monitoring this and questioned how this portion would be enforced. It was stated that the County Clerk currently enforces the Statements of Economic Interest and this would fall under the same category. ALAW representatives suggested that the language at the beginning of the document could be changed to "maintain" instead of "restore" Committee members agreed to this change. Committee members again questioned if there would be a cost to implement this ordinance. ALAW members stated it would be the same as the other form and stated that the main purpose of the ordinance is that each person serving on a board or commission will have the role and responsibility to comply, they stated that 99% of these individual will comply. Mr. Austin noted that with the changes being made to FOIA laws, each office is being bombarded with FOIA requests. There seems to be a lot of gray areas in this document and each issue needs to be spelled out. Committee members questioned who would investigate a complaint? Some committee members felt that some of this information could be added to the current ethics ordinance. They voiced concern that all of the models received by the committee were examples of State Laws and noted that they would like to see examples of County Laws. Committee members were reminded that they could enact laws that are stricter than State Laws. They also voiced concern that the ordinance wants to regulate the number of people on a commission. They stated this isn't legal. They requested that they look for laws from our areas and not other States. Committee members voiced concern that this ordinance will prevent people from applying for service on a board or commission and they felt this would make their service too restrictive.

Ms. Hill and Ms. Orphal left committee at 9:28a.m.

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Committee members suggested that the County Clerk be questioned on how adoption of this ordinance may affect her office and the additional work that would be placed on them. After continued discussion, Ms Yensen called the question to move the ordinance to the State's Attorney's for review. Chairman Schuster stated that she has asked that any of the committee member's questions be forwarded to her so they could be forwarded with the ordinance to the State's Attorney for consideration. Ms. Yensen made a motion, seconded by Ms. Barnes to forward the document and concerns to the State's Attorney for review. Ms. Barnes left committee at 9:36am. Mr. Austin questioned what the committee was requesting the State's Attorney to do? He stated they can provide information as to whether the ordinance is enforceable but they are not in a position to tell whether a consultant or applicant should fill out a form. He noted that it may be better if the committee wait to send the document to the State's Attorney until there was some mid level review in order to take out the redundancies as well as items that are already addressed in the Statement of Economic Interest and Ethics Ordinance and address concerns of enforcement. Ms Yensen amended her motion to forward the document for a mid level review. Ms. Schmidt seconded the motion. The motion carried with all members present voting aye on a voice vote.

REPORTS TO COMMITTEE

*Administrator:* Mr. Austin reported that they will be holding meetings on the codification program with the County Clerk.

The State survey is being completed at Valley Hi.

Demolition of the old Treasurers office has begun. There is some small remodeling of the area being completed. The project is expected to be completed by late June.

Mr. Lehmann is working with IT on the feasibility of audio streaming of the County Board meetings.

Because of the large agenda for the next County Board meeting, the strategic plan update, will be pushed to the morning County Board meeting in May.

EXECUTIVE SESSION

None

ADJOURNMENT:

The meeting adjourned at 9:39a.m. on a motion by Ms. Yensen, seconded by Ms. Schmidt with all members present voting aye.

RECOMMENDED FOR COMMITTEE/BOARD ACTION

Resolution authorizing settlement of Workers' Compensation Claim 08-5100-06

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