

# RUTLAND TOWNSHIP BOARD EXECUTIVE SESSION

AUGUST 13, 2019

7:31 P.M.

**CLOSED EXECUTIVE SESSION** of the Rutland Township Board was initiated pursuant to 5 ILCS 120/2(c)(1) *"discussion of information regarding appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body or legal counsel for the public body, including testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity."*

The session was called to order at 7:31 pm and held in the Town Hall following the motion made by Trustee Siers, second by Trustee Eaton, and the roll call vote taken in the Regular Board Meeting of August 13, 2019.

Roll Call of the Executive Session was taken with the following Board Members present: Supervisor Sanders, Trustees Siers, Hoffman, Eaton and Keegan, Clerk Rendl; Highway Commissioner Schultz's presence was requested by the Township Board.

Supervisor Sanders provided the explanation for discussion (termination of current legal counsel) as the problematic length of time between soliciting and receiving the necessary guidance from the current township legal counsel.

Commissioner Schultz stated his frustration with the inability to contact and receive the direction he requires as Commissioner in a timely manner and personally from counsel. The immediate issue at hand is the creation of a permitting process for the township for utility access/work in a correct and legal manner and he has been unable to receive that direction from the firm of Ancel & Glink. This issue of creating a permit document structured correctly and legally is one that needs to be completed immediately. The township is losing out financially by not having this permit in place as well as having to absorb expense costs not recoverable for destruction of township land in the absence of the mandatory posting a bond by those same companies, and control over the work being done.

Discussion was had as to the viability, reasonability and costs of the Highway Commissioner employing his own counsel as opposed to the township/highway department/assessor retaining the same counsel.

Supervisor Sanders stated she had contacted Ken Shepro as to whether he would consider becoming the township attorney, what his compensation structure would be and how the relationship would be structured. He is amenable to consideration as township counsel.

Trustee Keegan stated his opposition to terminating the current township counsel and suggested that Commissioner Schultz should consider employing his own counsel. Further discussion took place as to the township now receiving counsel from associates in the firm and not Keri-Lyn Kraftehefer as

originally retained. Additional discussion took place on the communication process between legal counsel and the Township; currently the Supervisor and Clerk are the designated persons for communication.

Discussion took place regarding the consideration of multiple persons/firms rather than the quick decision on only one candidate without further investigation and discussion. Trustee Siers mentioned Mr. Shepro's political affiliation and status within the Republican Party in Kane County and the potential for problems because of that association. Discussion was had as to the relationship between the current Assessor and Mr. Shepro. Trustee Siers asked Commissioner Schultz if he would/had considered any other attorney that specialized in highway matters; Commissioner Schultz has not investigated other attorneys.

Trustee Eaton stated his unhappiness with the way this matter had been brought before the Board and that he felt more time, discussion and investigation was necessary before any decision was made to replace current counsel. Supervisor Sanders stated her support for Mr. Shepro and his qualifications.

Discussion was then had in resolution of the immediate problem, for Commissioner Schultz to hire Mr. Shepro on an as-needed basis by the Road District as opposed to the Board terminating the current counsel without further deliberation and consideration of other legal firms.

**Motion** to adjourn executive session made by Trustee Eaton, seconded by Trustee Hoffman.

Vote: Voice Vote. All Ayes.

**Motion carried 2019-08-ES01.**

**Executive Session adjourned at 7:58 pm**

Return to Open Regular Board Meeting.

RESPECTFULLY SUBMITTED,

*Kathleen J. Rendl*

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Kathleen J. Rendl, Township Clerk