

(OPEN TO PUBLIC 11-19-2013)
BELVIDERE TOWNSHIP CLOSED SESSION
8200 FAIRGROUNDS ROAD
BELVIDERE, IL 61008
MARCH 12, 2013
TOPIC FOR CLOSED SESSION MEETING
TO DISCUSS LEGAL SERVICES FOR THE ASSESSOR'S OFFICE

Individuals Present for the closed session meeting.

Supervisor, Pat Murphy

Trustees, Bill Robertson

Paul Zeien

Bob Turner

Clerk, Judy Schabacker

Assessor, Diann Helnore

Attorney, Keri-Lyn Krafthefer

The closed session meeting was called to order by Supervisor Murphy at 5:15 pm. Roll call was taken by Clerk Schabacker with the following individuals present: Trustee's Robertson, Zeien, Turner, Supervisor Murphy, Clerk Schabacker, Assessor Helnore and Township Attorney Krafthefer. The purpose of the closed session was to discuss the performance of legal counsel.

Assessor Helnore sent an e-mail to the Township attorneys stating that she wanted to fire them. The Assessor does not have the legal ability to fire the Township attorneys. The closed session was called at the request of the Township Attorney to discuss this issue in closed session to determine why the Assessor was dissatisfied with the law firm's performance.

The Assessor indicated that she had been trying to correspond with attorney Tiffany Nelson and had not received a call back. As a result, she ended up speaking with attorney Bob McCabe. She e-mailed him and claims could not reach him for three days. She felt the opinion letter she got in response did not give her the answer she was looking for related to the problem. Then another situation came up and she couldn't reach him, following which she got a bill for \$1,400. The Assessor further stated that she does not believe that the Ancel Glink firm is representing her and that she does not know who they are representing. She indicated that the matter was a personal issue that she wanted answered.

Attorney Krafthefer explained that Attorney Tiffany Nelson was out on a medical leave, so that was why the Assessor could not reach Tiffany and was directed to Bob. Attorney Krafthefer said that when she received the original complaint from the Assessor that she had made several phone calls with no return phone call, she traced the firm's incoming and outgoing phone calls and there was never a three day gap in anyone responding to the Assessor.

Supervisor Murphy stated that he did not understand how the attorney would answer something the Assessor didn't want, and suggested that she must have planted a seed of thought or question.

Assessor Helnore then stated that she was not unhappy with Tiffany or Bob, but that she wants her phone calls returned when she calls. Attorney Krafthefer explained that all of their attorneys are directed to timely return phone call, but that sometimes they are in court or labor negotiations and cannot call back immediately, but that they normally do get back within 24 hours.

Assessor Helnore then stated that she thinks there is a conflict of interest between the Township and her department because everyone is very supportive of her Union employees against her will. The Attorney and Supervisor pointed out that the Township is not involved with the Assessor's employees and asked the Assessor to clarify what she was talking about. Assessor Helnore said that Trustee Carlson was the campaign manager for Tammy, an employee of the Assessor who was running for election against her. She also stated that the Township voluntarily recognized the union when there were only four people in it, although five are required to form a union under Illinois law. She stated that the Township supports the employees and not the Assessor and she views that as a huge conflict of interest. Attorney Krafthefer pointed out that the union was formed before this Board was even in office. Supervisor Murphy stated that he spoke with the Assessor the summer before she was sworn in about the union coming in, and that the union formed in the fall, and the Assessor was not sworn in until the next January.

The Assessor stated that the union could not form without five people. The Attorney informed her that an employer could voluntarily recognize even two people if they wanted to voluntarily recognize them.

The Assessor did not identify any other areas of any alleged conflict between the Township and the Assessor which would warrant the need for the Assessor to have a separate attorney from the Township Attorney. The Attorney specified that the type of conflicts identified by the Assessor did not amount to the Assessor needing a separate attorney because the Assessor was not suing the Township, nor was there any other existing legal conflict with either the Township or the Attorney.

Assessor Helnore said that they believed that someone in the Township was trying to undermine her activity, and that she had a file full of e-mails between an employee and a Township Trustee that were trying to undermine her every step. Attorney Krafthefer explained that such was not a legal conflict between the Township Board and the Assessor, and that one person doesn't control the Township Board. Trustee Zeien asked her if she had files on them. Assessor Helnore said that yes, she kept files on everything.

The Attorney explained that a political conflict between a board member and the Assessor did not rise to a legal conflict of interest, and that the Assessor could not just pick a different Township Attorney without approval of the Board unless there was a legal conflict of interest.

Assessor Helnore said that she thought she saw in the book that Attorney Krafthefer wrote that a Township Road Commissioner could have its own Attorney. Attorney Krafthefer explained that the law says that the Highway Commissioner can hire his own Attorney when it's approved by the Township Board or when there is a conflict of interest, and that there was not a statute that allows the Assessor to hire an Attorney, but there is case law that says the Assessor can hire an independent attorney when there's a conflict of interest, not a personality issue or political conflict between the Assessor and a trustees.

Supervisor Murphy asked for a copy of the letter that the Assessor said was an incorrect legal opinion. The Assessor said she would not give him a copy. Supervisor Murphy expressed they couldn't evaluate why an opinion

was on the wrong topic if they couldn't see it and stressed that the Assessor had to pay for requested legal work even if she did not agree with the answer.

The Township Board indicated that they were not in favor of making any change in attorneys and that Ancel Glink has represented us very well.

The Supervisor again asked if he could get a copy of all this correspondence that was allegedly too detailed for the Assessor. The Trustees indicated they did not want the Attorney to just chop the bill in half if the work was performed just because the Assessor did not like the answer. The Supervisor asked the Assessor why she did not let him know about the issue with the Attorneys on behalf of the Board. The Assessor said she didn't think she should do that because of the Union. The Supervisor told her that if she ever had a problem with the Attorneys, she should come to him and let him know. He indicated that the firm had no history of writing opinion letters on incorrect topics for no reason. Attorney Krafthefer said she could review the bill and reduce it if there was a problem or mistake. Trustee Zeien said that they review all of the bills and they reviewed it and they thought it was proper so the law firm should not reduce it.

Assessor Helnore stated that the township should not micromanage her department because she was an elected official. The Supervisor explained that he was not trying to micromanage her, but he is the treasurer and presents bills to the Board for approval. He indicated he was questioning the facts that the Assessor presented, that she was saying that this bill was too high and that it didn't answer a question that you asked, but she would not tell them what question she did ask and they could not gauge whether the response was appropriate. Then, the Assessor took it upon herself to say she was firing the firm. That's where the Trustees get involved. She didn't have a right to do that. He said that the bill should not be changed if an individual is told something they don't want to hear in the opinion.

Attorney Krafthefer asked that, if the Assessor had any concerns about the law firm in the future, she would please call her and call the Supervisor.

The Trustee's present for the closed session Robertson, Zeien, Turner and Supervisor Murphy stated that they are pleased with the Law Firms services and want them to continue representing Belvidere Township.

A motion was made by Trustee Robertson to come out of closed session at 5:48 pm. The motion was 2nd by Trustee Turner and passed with four ayes no nays on a voice vote.

Respectfully Submitted
Judy Schabacker Clerk

(OPEN TO THE PUBLIC 11-19-2013)
BELVIDERE TOWNSHIP CLOSED SESSION
8200 FAIRGROUNDS ROAD
BELVIDERE, IL 61008
MAY 14, 2013

TOPIC FOR CLOSED SESSION MEETING
TO DISCUSS PREVIOUS CLOSED SESSION MINUTES

Individuals Present for the closed session meeting.

Supervisor, Pat Murphy

Trustees, Debbie Carlson

Bill Robertson

Paul Zeien

Bob Turner

Township Attorney, Keri-Lyn Krafthefer

Clerk, Judy Schabacker

The closed session meeting was called to order by Supervisor Murphy at 5:19pm. Roll call was taken by Clerk Schabacker. The Township Board discussed previous closed session minutes dated (June 28, 2011 to discuss real property), (June 12, 2012 to discuss previous closed session minutes), (March 12, 2013 to discuss legal services for the assessor's office). The Board felt that more information should be incorporated into the minutes for closed session dated (March 12, 2013 to discuss legal services for the Assessor's office) this would help to clarify the issue.

A motion was made by Trustee Turner to come out of closed session at 5:25 pm. The motion was 2nd by Trustee Zeien and passed with five ayes no nays on a voice vote.

Respectfully Submitted

Judy Schabacker Clerk

(OPEN TO PUBLIC 11-19-2013)
BELVIDERE TOWNSHIP CLOSED SESSION
8200 FAIRGROUNDS ROAD
BELVIDERE, IL 61008
October 8, 2013
TOPIC FOR CLOSED SESSION MEETING
PERSONNEL AND POSSIBLE LITIGATION

Individuals Present for the closed session meeting.

Supervisor, Pat Murphy
Assessor Diann Helnore
Township Attorney Keri-Lyn Krafthefer
Trustees, Kathy Grover
 Bill Robertson
 Richard Nelson
 Bob Turner
Clerk, Judy Schabacker

The closed session meeting was called to order by Supervisor Murphy at 5:25 pm. Roll call was taken by Clerk Schabacker. The Township Board discussed a possible lawsuit against the Township and Assessor Helnore for not following proper procedure per the union contract when hiring a permanent full time person. The job should have been posted for 10 days prior to offering it to the public per Attorney Krafthefer. Assessor Helnore did not post the job and proceeded to hire an individual at a salary of \$40,000 plus benefits which could take the total compensation package up to \$75,000. This is more than one of her union employees makes after having been employed by her office for over 15 years.

Attorney Krafthefer stated that this oversight on the Assessor's part could open the Township up to possible litigation. Supervisor Murphy stated that he just wanted to avert a possible law suit. Assessor Helnore stated that the position she filled was not a position that her present employees would be interested in that it was just a basic residential position and not a promotion. She stated that she could not reduce the salary offered to the new person hired but she could give her present employee a raise to bring her up to what the new hire is making. She stated that she would have Ted the Union Representative call Attorney Krafthefer tomorrow to discuss any problems that might have come about with the hiring of this new employee and fix whatever the problem is.

A motion was made by Supervisor Murphy to come out of closed session at 5:45 pm. The motion was 2nd by Trustee Nelson and passed with five ayes no nays on a voice vote.

Respectfully Submitted
Judy Schabacker Clerk

OPEN TO THE PUBLIC 1-27-2015

**BELVIDERE TOWNSHIP CLOSED SESSION
8200 FAIRGROUNDS ROAD
BELVIDERE, IL 61008
NOVEMBER 19, 2013**

TOPIC FOR CLOSED SESSION MEETING TO REVIEW PREVIOUS CLOSED SESSION MINUTES NOT OPEN TO THE PUBLIC

Individuals Present for the closed session meeting.

Supervisor, Pat Murphy

Trustees, Kathy Grover

Bill Robertson

Richard Nelson

Bob Turner

Attorney, Keri-Lyn Krafthefer

Clerk, Judy Schabacker

The closed session meeting was called to order by Supervisor Murphy at 5:15 pm. Roll call was taken by Clerk Schabacker. The Board discussed and reviewed previous closed session minutes for 6/28/2011, 3/12/2013, 5/14/2013, and 10/8/2013.

A motion was made by Trustee Turner to come out of closed session at 5:29 pm. The motion was 2nd by Trustee Nelson and passed with five ayes no nays on a voice vote.

Respectfully Submitted

Judy Schabacker Clerk