I.  Call to Order

President Wehrli called the meeting to order at 6:05 p.m. in the Kendall County Board Room.

II.  Pledge of Allegiance

All present recited the Pledge of Allegiance.

III.  Invocation

Commissioner Prochaska offered an invocation for the meeting.

IV.  Roll Call

Commissioners Cullick, Davidson, Flowers, Gilmour, Gryder, Koukol, Prochaska, Purcell, and Wehrli all were present.

V.  Citizens to be Heard

No public comments were offered.

VI.  Approval of Agenda

Commissioner Gryder made a motion to approve the agenda as presented.  Seconded by Commissioner Koukol.  All, aye.  Opposed, none.  Motion passed unanimously.

VII.  Approval of Minutes for the March 10, 2015 Programming and Events Committee Meeting; March 11, 2015 Committee of the Whole Meeting, and March 12, 2015 Finance Committee Meeting

Commissioner Cullick made a motion to approve the meeting minutes for the Programming and Events Committee meeting minutes held on March 10, 2015; the Committee of the Whole meeting held on March 11, 2015, and the Finance Committee meeting held on March 11, 2015.  Seconded by Commissioner Davidson.  All, aye.  Opposed, none.  Motion passed unanimously.
VIII. Kendall County Forest Preserve District Volunteer Program Awards

President Wehrli thanked all of the volunteers present at the meeting for their time, commitment, and support of the Forest Preserve District.

John and Mary Church received the 2015 Ron Clark Award honoring supporters of the District who exemplify the spirit and positive attitude of the late Ron Clark.

Kathy Koeppel received recognition for extending the most hours to the Natural Beginnings program.

Ken Mozingo was recognized for extending the most hours to the Natural Areas Volunteer program.

Beth Johnson received recognition for outstanding service for administrative support of the Natural Areas Volunteer program.

Shae Clever, Laura Kaminskas, Michelle Salato and Rebecca Roulo received recognition for their time contributions in supporting Ellis House and Equestrian Center programs.

Georgene Jarecki was recognized for contribution the Ellis House and Equestrian Center in 2014.

Lea Ann Koch was recognized for her above and beyond service contributions to Ellis House and Equestrian Center.

IX. Resolution #15-006 Honoring Jody Strohm for her Service and Establishment of the District’s Natural Areas Volunteer Program

Commissioner Gryder made a motion to approve Resolution #15-006 honoring Jody Strohm for her service and establishment of the District’s Natural Areas Volunteer Program. Seconded by Commissioner Cullick.

President Wehrli recited Resolution #15-006 honoring Jody Strohm for her service and efforts to establish the District’s Natural Areas Volunteer Program.

Jody Strohm thanked the Commission and volunteers present.

Roll call: Commissioners Cullick, Davidson, Flowers, Gilmour, Gryder, Koukol, Prochaska, Purcell, and Wehrli, all. Opposed, none. Motion passed unanimously.
X. **Ordinance #15-005 Approving the Purchase of Approximately 166.01 Acres of Land known as the Fox River Bluffs in Fox Township, Kendall County for $13,486 Per Surveyed acre, or Approximately $2,238,811 Plus Closing Costs**

Commissioner Gilmour made a motion to approve Ordinance #15-005 approving the purchase of approximately 166.01 acres of land known as the Fox River Bluffs in Fox Township, Kendall County for $13,486 per surveyed acre, or approximately $2,238,811 plus closing costs. Seconded by Commissioner Flowers.

President Wehrli stated that the Board of Commissioners had approved a letter of intent to purchase the property at a Special Committee meeting held the previous week.

Commissioner Davidson expressed concerns regarding the need for capital funds to complete cropland conversion of 250 acres, and concerns regarding the preliminary program deficit figures for Ellis ($51,000), Hoover ($77,000), and Environmental Education ($70,000), and concerns with overstatement of the 2015 farm license budget projections for the year. Commissioner Davidson stated that because of the current budget issues, he could not support the property purchase.

President Wehrli reminded Commission that the capital funds could not be used to take care of the parks and operations, and that the District had received two grant awards to support offset a considerable amount of the cost for acquisition, including a $600,000 grant from the Illinois Clean Energy Community Foundation, and a $750,000 grant from the IDNR-OSLAD/Land and Water Conservation Fund.

Commissioner Davidson stated that cost for conversion of these areas to natural habitat will also reduce operational funding.

President Wehrli stated that loss of farm revenue is to be expected. The role of the District is to convert farmland holdings to restored natural areas for the enjoyment of current and future generations.

Commissioner Davidson stated that he did not see how the District can continue to operate as it has and meet its obligations without going back to the taxpayers for a referendum, or back-door referendum.

President Wehrli stated that steps were being taken to address the budget concerns within the current fiscal year that will help improve the budget outlook in the next fiscal year.
Commissioner Flowers stated that the question at hand is the purchase of the Fox River Bluffs property. The other issues do need to be addressed, but the question tonight is whether this property will be purchased by expending capital funds secured for this purpose.

In response, Commissioner Purcell stated that the question is whether the District can afford the improvement, not just to this property, but to other District holdings acquired.

Director Guritz stated that the challenge is with the operational fund. Not to say there are not relations between the growth of the forest preserve district as a result of the 2007 referendum to the question of this purchase. Of course, the result of the referendum will increase costs for operations of the District. The issue at hand is that as we come to a close of the referendum funds available, that resource will not be available as it has in the past. There are other opportunities that could be considered down the road, but we are not there yet. Within the next three years, the District should have these bond funds expended, one way or another. We have this tremendous opportunity for a grant-funded acquisition project that will put an exclamation point on the tremendous job the Board has done to acquire land with the funds approved by referendum by the Kendall County voters. On the operations side, it’s a lot to carry with the small amount of funding available, but the District will find ways to get the job done and extend public services, which will be an ongoing discussion for the remainder of the year until the operational budget is balanced. One of the challenges is that the District does not have as many acres under agricultural production as budgeted. The budget for farmland license revenue anticipates proceeds from the Fox River Bluffs acquisition. Director Guritz stated that he was pleased with Commission deliberations as budget information has been presented, and staff efforts to recognize the budget challenges and take initiative to close the operational budget deficit. The District, like most government agencies is experiencing lean times, and we will do our best to innovate, adapt and sustain public services.

Commissioner Purcell asked Director Guritz whether it is still his recommendation to transfer interest earnings from the capital budget to the operations budget.

Director Guritz stated that when this was initially presented, it was a concept plan to address the operational budget shortfall. Now that the audit results placed the operational fund beginning balance in a deficit, it is something the Board will need to discuss and address. The recommendation will be to transfer a portion of the interest, but that this will require board deliberation.
Commissioner Prochaska inquired into the timeframe for debarment from participation in these grant programs should the District not approve acquisition of the Fox River Bluffs property.

Commissioner Gryder recalled that the District’s grant consultant had advised that debarment would be two years.

President Wehrli called the question.

Roll call: Commissioner Prochaska, Wherli, Cullick, Flowers, and Gilmour, aye. Opposed, Commissioner Koukol, Purcell, Davidson, and Gryder. Ordinance passed by a vote of five to four.

XI. Motion: Approval of a Proposed Afternoon Session for the Natural Beginnings Pre-School Program and Assigned Tuition Fees of $1,675.00 for the 2015-2016 School Year

Commissioner Cullick made a motion to approve a proposed afternoon session of the Natural Beginnings Pre-School Program and Assigned Tuition Fees of $1,675.00 for the 2015-2016 school year. Seconded by Commissioner Flowers.

Director Guritz stated that progress has been made on the budget recoding project, and closer examination of District program budgets. As part of this process, Environmental Education Program Supervisor Laura McCoy, and Megan Gessler as lead instructor for Natural Beginnings examined the revenues and costs, and opportunities for addition of an afternoon session to cover direct costs for the program. The resulting spreadsheet presented showed that the program could cover costs so long as 90% enrollment in the program is achieved. Director Guritz recommended approval of the motion to allow sufficient time to market to program to secure sufficient enrollment in the program.

Director Guritz stated that Natural Beginnings has served as a model program for the region and will be receiving national recognition in the current year. Megan Gessler reported that she will be participating in an upcoming conference at the Chicago Botanic Garden for nature educators to present an overview of the benefits to children from nature play, a nature preschool summit and participation on a national leadership team on May 10 and 12, and participation in a conference in August in Atlanta, Georgia as part of the Northern Illinois Nature Preschool Association, the first of its kind in the United States.

Commissioner Davidson asked for clarification on whether the program requires tax-based support. Director Guritz stated that if enrollment figures are achieved, the program is able to cover all direct costs for operations.
Commissioner Gryder pointed out that the summary of costs presented in the cover memo stated a lower figure for tuition. Director Guritz stated that the summary was based on current year charges, and that the $1,675 would be the tuition fee going into the next school year.

Commissioner Gryder stated that in past years, there were concerns whether enrollment figures presented could be achieved. Megan Gessler stated she was confident that the enrollment could be achieved, and that there are currently ten children on a waitlist hoping to start enrollment in the fall.

Commissioner Gilmour stated her support for the program.

Commissioner Purcell inquired into whether Director Guritz had worked with Latreese Caldwell in development of the program budget. Director Guritz stated that he had worked directly with Laura and Megan to develop the spreadsheet, with Latreese focusing on other projects including the recoding of the current fiscal year appropriations.

Commissioner Purcell pointed out an error in the spreadsheet. In the total salary column, the salary total did not include Laura’s salary calculation of $3,240.00 resulting in a report error for total staffing costs impacting subsequent calculations within the spreadsheet.

Director Guritz thanked Commissioner Purcell for pointing out the formula error.

Commissioner Purcell also stated that the total hours projected for Megan Gessler are lower than the previous years’ total hours worked. In looking at the calculations for the afternoon session, Commissioner Purcell noted that both Megan’s time and Laura’s time were not scheduled within the afternoon spreadsheet. Megan Gessler stated that with respect to Laura’s time, she oversees the overall program, but Megan provides direct day-to-day instruction and oversight. Megan stated that she will be present in the afternoon as well, so the staffing will be the same for the afternoon session within the total hours presented.

Commission instructed Director Guritz to include Latreese Caldwell in the process for reviewing budget data and spreadsheets.

Director Guritz apologized for the error, and stated he submit spreadsheets for review prior to presenting from this point forward.

Roll call: Commissioners Davidson, Flowers, Gilmour, Gryder, Koukol, Prochaska, Purcell, Cullick, and Wehrli, aye. Opposed, none.
XII. Motion: Approval of Program Agreement #15-004-001 between the District and the American Competitive Trail Horse Association for Hosting Competitive Trail Challenges and Arena Obstacle Challenge Events at Ellis House and Equestrian Center

Commissioner Gryder made a motion to approve program agreement #15-004-001 between the District and the American Competitive Trail Horse Association for hosting Competitive Trail Challenges and Arena Obstacle Challenge Events at Ellis House and Equestrian Center. Seconded by Commissioner Flowers.

Director Guritz reported that this partnership event was proposed to the Events and Programming Committee in January. Typically, the ACTHA partners with other stables to host Trail Challenge and Arena Obstacle Challenge events where ACTHA handles registrations, retains a small portion of the registration fee up to $250.00, and pays the host agency or stable the balance of the collected registrations following the event. This information is detailed within a promise letter on the ACTHA website, which includes rider class registration fees, resources for hosting the event including access to the ACTHA membership for marketing purposes, training materials for event judges, and instructional materials for hosting ACTHA events. Revenue sources beyond registration fees will include concessions, photography, and overnight trailer parking. Because the group is collecting funds that will be paid to the District, the promise letter was reformatted into a program agreement, and sent to ACTHA and the State’s Attorney’s Office for review.

Due to the schedule change for hosting the event to mid-May, and because the ACTHA has limited staffing resources, there was insufficient time to structure a formal agreement that would include provisions typically recommended for inclusion by the State’s Attorney’s Office.

President Wehrli stated that the urgency is to get started with preparations for hosting the event, and that the date was changed in order to fall within the current ACTHA challenge year. ACTHA members look for end-of-year events to boost their total score for the year, so hosting an end-of-year event may help to draw participation.

Commissioner Gilmour inquired into whether the State’s Attorney’s Office had time to complete a formal review. Director Guritz stated that the agreement was sent to ACTHA and the State’s Attorney’s Office on the same date for review. However, the SAO’s office wanted to see the comments received back from ACTHA before recommending changes. That said, the SAO office did provide a response and feedback on the challenges and issues associated with the agreement now presented for approval.
President Wehrli stated that Leslie Coffey was not comfortable with many of the contract’s verbiage and provisions.

Commissioner Flowers added that this group typically works with private barns under simple terms. They are not used to working with government agencies, but are very successful with their program and sponsored events.

Commissioner Cullick asked whether this had to be decided at this meeting, or whether additional time could be taken to develop a more comprehensive agreement.

Director Guritz stated that approval is needed in order to have sufficient time to develop the event, and to open up registration through ACTHA. If the marketing and registration is delayed, the event cannot move forward as scheduled.

Commissioner Cullick asked about ACTHA’s insurance. Director Guritz stated that ACTHA has $1,000,000 in general liability insurance that will be primary listing the District as additionally insured. Waiver sign-offs are secured by all ACTHA members, and a separate waiver will be developed for participants to sign at Ellis prior to competing.

The Illinois Equine Liability Act also provides some measure of liability protection for agencies hosting equine-related activities. The District’s liability insurance is secondary, and participants will be covered under the insurance policy.

Commissioner Purcell asked about the bottom-line for potential revenues and expenditures for the event. Director Guritz stated that for each trail-challenge weekend, there are two trail challenge events, and one arena obstacle event. For trail challenges there is potential for hosting up to 50 riders at $40 each, and 40 riders at $30 each for the arena challenges totaling $5,200 for each weekend. Trailer parking, concessions and an event photographer could bring in up to $2,000 of additional revenue.

$2,100 is anticipated for staffing for event preparation and hosting, with 55 staff hours anticipated to prepare the challenge courses, and 80 staff hours for hosting the event.

Commissioner Gryder stated that last year, staff was challenged with bringing forward new ideas for revenue generation. This proposal looks like a reasonable opportunity to generate revenue within a new and unique event offering.

Commissioner Koukol inquired into the requirement for event marketing. Director Guritz stated we would be utilizing Constant Contact to develop an event promotional newsletter and flyer, and reaching out to local riders and agencies to help promote the opportunity.
Commissioner Purcell inquired into whether this event would impact any weddings scheduled. Director Guritz stated that there was a wedding cancellation that opened this weekend for consideration for hosting the challenge event. The other weekend date has not been planned at this time.

President Wehrli invited Assistant State’s Attorney Coffey to provide insights into the agreement discussion. Attorney Coffey stated that the discussions covered some of the larger concerns from the review. Some of the specific issues included lack of worker’s compensation insurance for ACTHA workers, there are no revenue provisions which means that if ACTHA breaches the contract, the District has no legal remedies available, and there is no indemnification or waiver of liabilities for the District. As long as the Commission is comfortable with assuming these risks, that is the board’s decision.

Essentially, if something were to happen at the event, the District is jointly liable, and the District would not be able to compel ACTHA to represent the District and assume the costs for the suit.

Amy Clever, Equestrian Program Manager stated that ACTHA is staffed by volunteers, and the District will be staffing the event with both paid staff and volunteers. They do not send staff or employees to the event. Amy confirmed that there will be two waivers that participants will be required to sign, one for ACTHA and one to cover the District.

Roll call: Commissioners Gryder, Koukol, Wehrli, Davidson, Flowers, aye. Opposed, Commissioners Prochaska, Purcell, Cullick, and Gilmour. Motion passed by a vote of five to four.

XIII. Executive Session

None.

XIV. Other Items of Business

None.

XV. Adjournment

Commissioner Davidson made a motion to adjourn. Seconded by Commissioner Flowers. All, aye. Meeting adjourned at 7:17 pm.
Respectfully submitted,

David Guritz
Director, Kendall County Forest Preserve District