Call to Order
The Per Diem Ad-Hoc Committee was called to order by Chair Amy Cesich at 4:00 p.m.

Roll Call

Others Present: Jill Ferko, Elizabeth Flowers, Debbie Gillette, Leslie Johnson, Fran Klaas, John Purcell, Jim Smiley, Eric Weis, Jeff Wilkins (4:15 p.m.)

Approval of Agenda – Member Cullick made a motion to approve the agenda, second by Member Prochaska. **With all in agreement, the agenda was approved.**

Citizens To Be Heard - None

Items of Business

- **Presentation by the Kendall County State’s Attorney’s Office of preliminary Per Diem and Mileage Audit Findings** – Eric Weis, KC States Attorney, provided his preliminary review as well as preliminary recommendations of the audit findings reminded the committee about client-attorney privilege, and informed them that it was the Committee’s decision whether they preferred him to discuss the findings in an open or closed session. Mr. Weis verified the difference between criminal and civil offenses, and the types of issues that could have occurred. Mr. Weis stated that the process of per diems has never been audited by the County, and he feels that the formation of this committee and the expenditure for the audit was necessary because the issues needed to be addressed.

State’s Attorney Weis gave a general overview of issues and items that needed to be addressed, meeting categories, per diems that may need to be reimbursed (to be determined by the Per Diem Ad-Hoc Committee), the process for recovery, payment arrangements, and possible civil action in court if payment is not received in a timely manner.
Ms. Cesich asked each member present to express their preference of whether the audit findings be discussed in open or closed session: Matthew Prochaska – Open Session, Judy Gilmour - undecided, Scott Gryder – Open Session, Lynn Cullick – Open Session, Amy Cesich – Open Session

State’s Attorney Weis offered the following straightforward per diem submittals that are recommended by States Attorney Weis to seek reimbursement, including mileage reimbursement if necessary:

1. Double-billing the County for one meeting attendance
2. Claim for Payment for County meeting where no meeting existed, no agenda or record of meeting, but a voucher was submitted for per diem payment
3. Chairman paid for attending a subcommittee meeting, submitted a per diem for that meeting, but was not authorized to be paid for that meeting according to the Board Rules of Order
4. Paid for second meeting occurring on the same day
5. Alternate was not needed for a quorum
6. Payments made without signatures or vouchers (ex: submitted via email)
7. County meeting occurs, meeting recorded, agenda posted, member not recorded as attending the meeting

State’s Attorney Weis offered the following questionable issues to be addressed, reviewed and revised by the committee:

- Not all sub-committee records are kept in the County Clerk/Recorders Office
- Pre-payment of Committee meeting attendance
- Timing of submission of vouchers (several month delay)
- No double-check or verification of attendance at claimed meetings
- Chairman authorization - (verification/documentation of authorization)
- County Board authorization
- Documentation of outside County of Kendall meeting attendance, mileage, record of attendance
- Rules of Order differences/discrepancies between mileage and per diem reimbursements, authorized meetings, attendance requirements
- Mileage – definition (start location)
- Statute of Limitation on recovery
Additional findings/questions regarding reimbursements:

1. Official appointment of member to Outside Entity meeting, no written record of attendance for that member at that specific meeting, no roll call, no documentation supporting member attendance (some entities are not required to maintain minutes for meetings), no written proof of attendance at meeting
2. Authorization by the Board to attend a specific meeting was made during a Board meeting (example attending city meeting)
3. Authorization by the Chairman to attend a meeting, training, seminar, open house – no written documentation, no intent from chairman to receive a per diem
4. What constitutes a meeting for per diem purposes/reimbursement – meeting with staff, legal, elected official
5. Internal trainings, open houses, seminars
6. Grievance Hearing Attendance – required by contact to have member present
7. Union Negotiation Attendance – approved by Board, no written documentation
8. Voluntary attendance at outside entity meetings concerning projects, funding, that may affect the County but the County will not take action on (is it even County business)
9. Member attending meeting of an outside entity but was never appointed by Board as the representative for that meeting
10. Attended a County meeting but was not required to attend – Rules of Order for Per Diem discussion
11. Ad-Hoc Committee meetings, how were they created, the purpose for the committee, and proof that the committee still exists, documentation of the meeting - recordings/minutes
12. Interviews with applicants for employment
13. Memberships in outside organizations (statutorily required, county required, inter-governmental agreement) and documentation to prove attendance
14. Training, conferences and seminars – county sponsored or outside of the county
15. Vouchers - no specific meeting listed – “Round planning”
16. Purpose of meeting on voucher simply stating the outside location, no description, reason for attendance, meeting name

State’s Attorney Weis said the next step is for the Committee to determine how to proceed, and offered the following options:

a. No action taken by Board – civil issue is closed
b. Seek reimbursement and decide what reimbursement should be sought after a review of different meeting identified in the audit
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c. Send demand letter to members for repayment of unauthorized per diems and upon payment, case would be closed for that member
d. If payment is not made, whether to proceed with further litigation including filing a civil lawsuit
e. Whether to seek reimbursement for the audit

Authorization for the issuance of settlement demands based upon preliminary Per Diem and Mileage Audit Findings – Mr. Weis emphasized the necessity of expediency by the Committee in making recommendations to the States Attorney’s office on how to proceed with settlement.

Citizens To Be Heard

Todd Milliron, 61 Cotswold Drive, Yorkville, asked about an Excel Spreadsheet that was promised with the findings listed. Mr. Milliron also asked about the Grand Jury proceedings that are currently in progress, and how it fits in with the forensic audit. Mr. Milliron stated that he has no insight into any part of the investigation.

State’s Attorney Weis stated there would be a listing of meetings that are in question. Regarding the Grand Jury, State’s Attorney Weis informed those in attendance about the purposes of a Grand Jury, and stated there have been no indictments thus far in this investigation.

Nancy Martin, 12455 River Road, Plano, asked State’s Attorney Weis for clarification of whether he represents each member of the County Board or if he simply represents the County.

Ms. Martin, former Board member clarified that she was able to review her per diem and mileage submissions, and she also expressed her opinions of her attendance at Union Negotiation and Grievance meetings, one ZPAC meeting, and an Animal Control meeting that was changed to a different date/day. Ms. Martin stated that she has reimbursed the County for the three meetings in questions by submitting a check to Jill Ferko, County Treasurer/Collector in the amount of $255.

Kevin Wagner, 534 Kelly Avenue, Yorkville, expressed his opinion about the responsibility of the County Board members and those specifically on the Per Diem Committee to the taxpayers in the County.
Questions from the Media – Matt Schury, Kendall County Record, asked for clarification of the decisions that the Per Diem Ad-Hoc Committee will decide.

Steve Lord, Sun Times Media, asked if the Committee planned to have all of the decisions made on the findings that were reported by States Attorney Eric Weis.

Executive Session – None needed

Action Items for the County Board - None

Adjournment – Member Lynn Cullick moved to adjourn the Per Diem Ad-Hoc meeting and the motion was seconded by Member Gilmour. There being no objection, the Per Diem Ad-Hoc Committee, at 6:34 p.m. adjourned.

Respectfully submitted,

Valarie A. McClain
Administrative Assistant