



Government Center
719 S. Batavia Ave., Bldg. A
Geneva, IL 60134

Special Meeting Forest Preserve District Commission Meeting Minutes

Thursday, March 2, 2023

8:30 AM

County Board Room

I. Call to Order

President Kious called the meeting to order at 9:00 AM.

II. Pledge of Allegiance

President Kious asked Commissioner Ron Ford to lead the pledge.

III. Roll Call

PRESENT

Commissioner Deborah Allan (arrived via remote @ 8:50 AM)
Commissioner Mavis Bates (Remote)
Commissioner Dale Berman
Commissioner Gary Daugherty (Remote)
Commissioner Mark Davoust (Remote)
Commissioner Ron Ford
Commissioner Michelle Gumz (Remote)
Commissioner Mo Iqbal
Commissioner Leslie Juby
Commissioner Michael Kenyon
President Forest Preserve District Chris Kious
Commissioner Bill Lenert
Commissioner Anita Lewis (Remote)
Commissioner Michael Linder
Secretary Forest Preserve District Myrna Molina (Remote)
Commissioner Bill Roth
Commissioner Jarett Sanchez (Remote)
Commissioner Monica Silva (Remote)
Commissioner Cheryl Strathmann (Remote)
Commissioner Clifford Surges (Remote)
Commissioner Bill Tarver (Remote)
Commissioner Vern Tepe (arrived via remote @ 8:33 AM)
Commissioner Rick Williams
ABSENT Commissioner David Young

Others Present: Exec. Dir. Haberthur, CFO Petschke; Chief of Planning & Land Mgmt. Rooks-Lopez; NRM Dir. Chess; Dir. of Comm. Affairs Metanchuk & staff Kovach, Dir. of Ops. Pentecost; Police Sgt.

Hayes; Attorney Hodge, Exec. Assist. Figliozzi, KCIT Peters, Tierney; members of the public.

IV. Public Comment (Each Speaker is limited to 3 minutes)

None. There was a change in the agenda order as follows; the Closed Session portion of the agenda was called prior to New Business:

XI. Closed Session to Discuss Land Acquisition, License Agreements, Potential Litigation and Personnel

The Committee moved into Executive Closed Session at 8:33 AM to discuss license agreements and potential litigation. Commissioner Daugherty called Point of Order regarding physical attendance in the room. Attorney Hodge reminded the commission that currently the state is still under the Governor's order state of emergency therefore there is no need to have a physical quorum in the room, remote is acceptable.

RESULT:	APPROVED BY ROLL CALL VOTE
MOVER:	Ron Ford
SECONDER:	Bill Lenert
AYE:	Deborah Allan, Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cheryl Strathmann, Clifford Surges, Bill Tarver, Vern Tepe, and Rick Williams
ABSENT:	David Young

The Committee returned to Open Session at 9:14 AM on a motion by Williams, second by Linder, roll call vote was taken, unanimous vote.

XII. New Business

Commissioner Surges asked why the District does not call for a roll call attendance when returning from Executive Closed Session. Attorney Hodge clarified, attendance is typically not required, however the Commission can request as desired. President Kious called for a attendance.

PRESENT	Commissioner Deborah Allan (Remote) Commissioner Mavis Bates (Remote) Commissioner Dale Berman Commissioner Gary Daugherty (Remote) Commissioner Mark Davoust (Remote) Commissioner Ron Ford Commissioner Michelle Gumz (Remote) Commissioner Mo Iqbal Commissioner Leslie Juby Commissioner Michael Kenyon President Forest Preserve District Chris Kious Commissioner Bill Lenert Commissioner Anita Lewis (Remote) Commissioner Michael Linder Secretary Forest Preserve District Myrna Molina (Remote)
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Commissioner Bill Roth
Commissioner Jarett Sanchez (Remote)
Commissioner Monica Silva (Remote)
Commissioner Cherryl Strathmann (Remote)
Commissioner Clifford Surges (Remote)
Commissioner Bill Tarver (Remote)
Commissioner Vern Tepe
Commissioner Rick Williams
ABSENT Commissioner David Young

FP-R-23-03-3004 Amended Resolution Relating to Consideration of Licensee Dispute an Determination of Authorized Action to be Undertaken

Attorney Hodge Read the amended language on the resolution; third whereas clause;

“WHEREAS, a determination was made at the Special Meeting to authorize the District to settle on the terms offered, namely, for payment of 2021 license fees, \$200,000.00 immediately (on or before March 6, 2023) and \$121,000 on or before September 30, 2023 and for a one-time termination right for a calendar year 2023 default by Licensee of any payments when due.

NOW, THEREFORE, BE IT RESOLVED that the Forest Preserve District hereby authorizes settlement of amounts due under the License Agreement for the licensing of Northwestern Medicine Field at Elfstrom Stadium, in the amount of \$321,000, payable \$200,000 immediately and \$121,000 on or before September 30, 2023, together with receipt of a one-time right by the District to immediately terminate the License Agreement in the event of a default in timely payment of the 2021 settlement payments or 2023 License fees. The Cougars’ lighting proposal is also approved and is to be paid by Licensee.”

Commissioner Iqbal called Point of Order regarding the remote attendance; He discussed the resolution about attendance requirements passed last month. He asked about the compliance of physical presence, and if the Commissioners participating remotely had been excused properly. Commissioner Iqbal felt the remote attendees should not vote on the current resolution. Attorney Hodge responded that the resolution passed would be in accordance to the non-emergency state. Currently, the Commission is still acting under the statewide pandemic alteration of the Open Meetings Act, as the Governor’s declaration. The Forest Preserve District President has continued to follow the Governor’s order. President Kious stated that he would no longer entertain a continued conversation regarding attendance due to the District’s Attorney explaining the current Executive Order. Bates called the question, President Kious asked the Commission one more time if anyone had a comment, Roll Call vote was taken on the resolution as amended:

RESULT: **ADOPTED AS AMENDED**
MOVER: Mark Davoust
SECONDER: Mavis Bates
AYE: Deborah Allan, Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Clifford Surges, Bill Tarver, Vern Tepe, and Rick

ABSENT: Williams
ABSTAIN: David Young
Leslie Juby

Commissioner Daugherty raised the concern that the roll call vote was for the Call to Question. Attorney Hodge clarified that the motion and second on the floor was on the amended resolution, therefore the vote was for the resolution. President Kious stated that he recognized the call to question on the resolution, however did not call for a motion or second on it, therefore he called the vote on the amended resolution.

XVI. Adjournment

The meeting adjourned at 9:27 AM.

RESULT: **ADJOURNED BY VOICE VOTE [UNANIMOUS]**
MOVER: Mavis Bates
SECONDER: Jarett Sanchez
AYE: Deborah Allan, Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cheryl Strathmann, Clifford Surges, Bill Tarver, Vern Tepe, Rick Williams and David Young

Chris Kious, Chairman
Forest Preserve District Commission
Forest Preserve District of Kane County

Respectfully Submitted,

Gabriella Figliozzi

Gabriella Figliozzi
Recording Secretary

Myrna Molina
Board Secretary