

COOK COUNTY BOARD OF REVIEW

Report of Proceedings had in the above-entitled matter this 3rd day of January, A.D. 2022 at the hour of 9:30 o'clock a.m., via video teleconference.

PRESENT:

COMMISSIONER MICHAEL M. CABONARGI

COMMISSIONER TAMMY WENDT

COMMISSIONER LARRY ROGERS

ALSO PRESENT:

Mr. William O'Shields, Chief Deputy Commissioner

Mr. Todd Thielmann, Chief Deputy Commissioner

Mr. Roland C. Lara, First Assistant Commissioner

Ms. Debra Brown, Deputy In Charge

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A G E N D A

- I. Call to Order and Roll Call
- II. Pledge of Allegiance
- III. Approval of the Minutes from the Opening Meeting,  
of December 6th, 2021.
- III. Old Business
  - a) Update on Vaccination Surveys
  - b) Regular Board of Review Monthly Meeting and  
Posting Annual Meeting Calendar
- IV. New Business
  - a) Travel and Reimbursement Expenses and Procedures
- V. Other Business
  - a) Public Commentary Policy Discussion
- VI. Public Comments
- VIII. Adjournment of meeting of the Board of Review

1           CHAIRMAN ROGERS: Good morning. Can we call the meeting  
2 of the Cook County Board of Review to order? Let's do the roll  
3 call.

4                           Commissioner Cabonargi?

5           COMMISSIONER CABONARGI: Here.

6           CHAIRMAN ROGERS: Commissioner Tammy Wendt?

7           COMMISSIONER WENDT: Present.

8           CHAIRMAN ROGERS: Let the record reflect that all  
9 Commissioners are present.

10                           Is there a motion to approve the Minutes from  
11 the last meeting?

12           COMMISSIONER CABONARGI: Actually, Commissioner Rogers, I  
13 think we were going to begin the meeting with the Pledge of  
14 Allegiance.

15           CHAIRMAN ROGERS: Commissioner Wendt, would you like to  
16 begin?

17           COMMISSIONER WENDT: Sure.

18                           (Pledge of Allegiance)

19           CHAIRMAN ROGERS: Is there a motion to approve the  
20 Minutes from the December 6th, 2021 meeting?

21           COMMISSIONER CABONARGI: So moved.

22           CHAIRMAN ROGERS: Is there a second?

23           COMMISSIONER WENDT: Second.

24           CHAIRMAN ROGERS: All in favor indicate so by saying

1 "aye".

2 (Chorus of ayes.)

3 CHAIRMAN ROGERS: Let the record reflect that the motion  
4 passes unanimously.

5 Old Business: Is there an update from the  
6 staff on the status of completion of the vaccine surveys?

7 CHIEF DEPUTY COMMISSIONER O'SHIELDS: Good morning.  
8 Happy New Year to everyone. I'm wishing that all is well with  
9 you and your respective families.

10 I do have an update of the responses, per  
11 staff and per Board group. And this was updated as of -- I  
12 think it was December 30th. And let me just --

13 I did distribute a copy of the pie chart. But  
14 just to simplify things, let me present. I'll share my screen  
15 with you all.

16 So, as of today -- and I don't think that the  
17 numbers changed much from Thursday, when we ran the numbers.  
18 So we'll just start with the...

19 (Whereupon, there was a brief pause.)

20 CHIEF DEPUTY COMMISSIONER O'SHIELDS: Now, the pool is  
21 all Board employees (demonstrating). Okay?

22 So in looking at the Chief Clerk's staff, you  
23 had a hundred percent participation. The same with the  
24 Secretary's Office. And in regards to the Commissioners'

1 staffs, Commissioner Wendt's staff was 55 percent  
2 participation; Commissioner Cabonargi, 94 percent; and  
3 Commissioner Rogers, that would be a hundred percent.

4 So these are the numbers, as they stood  
5 today -- or as they stand today. However, please be aware of  
6 the fact that we last updated this -- that was Thursday,  
7 December 30th, 2021.

8 Are there any questions?

9 COMMISSIONER CABONARGI: Roland, I think you're on mute.

10 FIRST ASSISTANT COMMISSIONER LARA: Sorry.

11 Chief W. O'Shields, I do have updated  
12 information. I spoke with the two members of my staff that  
13 were included in this. They thought that they had  
14 participated. They did not. They are both vaccinated. I'm  
15 not going to tell you who their names are, but they are both  
16 vaccinated. They're boosted.

17 And there were some tech issues. They thought  
18 they had completed the survey. It turns out that this did not  
19 hit our survey. But I spoke to them both personally today. So  
20 Commissioner Carbonagri's staff is in 100 percent compliance.

21 CHIEF DEPUTY COMMISSIONER O'SHIELDS: Okay. Thank you.  
22 And we will update the records to reflect such.

23 COMMISSIONER CABONARGI: Roland and I spoke about this  
24 before. They'll also be completing the survey. So the

1 Secretary's Office has complete records.

2 CHIEF DEPUTY COMMISSIONER O'SHIELDS: Thank you very  
3 much.

4 FIRST ASSISTANT COMMISSIONER LARA: Yes, of course. Yep.

5 COMMISSIONER CABONARGI: And, William, just to jump back  
6 here for a second, if you could walk us through, so this is the  
7 vaccination survey that was sent to each employee of the Board.

8 And when was it sent to them?

9 CHIEF DEPUTY COMMISSIONER O'SHIELDS: Well, it was  
10 originally sent in -- let's see. Well, I've got to look back,  
11 because I know the original due date --

12 (Whereupon, there was a brief pause.)

13 CHIEF DEPUTY COMMISSIONER O'SHIELDS: What I'm doing is  
14 just referring to some of my notes from some of the past  
15 meetings regarding this issue.

16 So, countywide, there was a November 1st  
17 deadline to respond to the survey. And then you had -- and  
18 this is just a timeline.

19 And so, as of November 8th, all County  
20 employees were to be fully vaccinated. However, we  
21 recirculated the survey because there was a question about  
22 requests for accommodations. However, you could not request an  
23 accommodation unless you responded to the survey. So we  
24 redistributed the survey with the deadline of December 15th.

1                   So that's the timeline in regards to the  
2 deadlines and whatnot. And I do believe the original survey --

3                   Let's see. Debra, can you...

4                                   (Whereupon, there was a brief pause.)

5           CHIEF DEPUTY COMMISSIONER O'SHIELDS: I don't want to  
6 guess, but it was quite some time ago, before the November  
7 deadline. I just don't explicitly recall when the survey  
8 originally was distributed.

9           CHAIRMAN ROGERS: But I know the issue came up at the  
10 last meeting, December 6th. And that's when it was  
11 recirculated. And I believe the new deadline of December 15th  
12 was established.

13                               And just for clarity, and for the record, this  
14 is a Cook County policy, in terms of updating survey status.  
15 And then we have our own Board of Review -- or our staff  
16 determined that a Board of Review requirement for vaccination  
17 and completion of the survey, I believe, should be implemented  
18 as well.

19                               Is that right?

20           CHIEF DEPUTY COMMISSIONER O'SHIELDS: Correct.

21           CHAIRMAN ROGERS: Commissioner Wendt, are you aware of  
22 any updates with your staff with regard to the Cook County  
23 policy to both complete the survey and reports of vaccination  
24 status?

1 COMMISSIONER WENDT: Just what I'm looking at.

2 COMMISSIONER CABONARGI: So, Commissioner Wendt, just  
3 looking at this, it looks like the shared pool staff of the  
4 Clerk's staff, and the Secretary, and the other two  
5 Commissioners' staff are at a hundred percent completion of the  
6 survey.

7 Do you want to talk a little bit about your  
8 plans to get your staff to a hundred percent?

9 COMMISSIONER WENDT: You know, my position hasn't changed  
10 since the last meeting. My opinion hasn't changed. I'd  
11 recommend waiting on the Supreme Court of the United States.  
12 They're hearing oral arguments on January 7th about whether or  
13 not these mandates should be stayed. I'm concerned about  
14 HIPAA, with the dissemination of individual vaccine status  
15 through regular e-mail to unauthorized individuals.

16 As it stands, our HR staff, Clerk staff --  
17 Roland just told you, you know, that he saw who was vaccinated  
18 and who wasn't. So all senior staff has access to this private  
19 information. And I think that that's going to be a problem as  
20 well.

21 So that's where I'm at. I've told my staff  
22 that I'm waiting to hear on the United States Supreme Court  
23 ruling.

24 CHAIRMAN ROGERS: If I'm understanding you, Commissioner

1 Wendt, you are not requiring your staff to complete the survey  
2 regarding the vaccination status; is that correct?

3 COMMISSIONER WENDT: Not at this time. Not right now.

4 CHAIRMAN ROGERS: And you're not requiring your staff to  
5 notify the Board who is and who isn't vaccinated for their own  
6 personal safety as well as the safety of other individuals as  
7 we develop a return-to-work plan?

8 COMMISSIONER WENDT: I just answered your question.

9 CHAIRMAN ROGERS: No. The latter was a different  
10 question. It's about us knowing who is and is not vaccinated  
11 for the safety of those individuals as well as the safety of  
12 other staff at the Board.

13 That's not something you want us to know;  
14 correct?

15 COMMISSIONER WENDT: Well, due to the anticipated  
16 workload being heavy and the solitary nature of property tax  
17 analysts, our hearings are going to continue remotely. There's  
18 no need to return to the office and risk the safety of anyone,  
19 especially with the new variant and the breakthrough cases.

20 So I don't see a health issue here of  
21 transmission of anything. I don't think that requiring them to  
22 answer these questions and violating their rights, potentially,  
23 is necessary right now, because we're not in the office.

24 COMMISSIONER CABONARGI: Sure. And what I'd just address

1 is what Commissioner Rogers is saying, in that it is the  
2 chicken and the egg.

3           The staff has had a return-to-work policy,  
4 too, now that we've had to revisit in the light of Delta and  
5 Omicron; but they're continuing to plan to get us back in the  
6 office on at least a hybrid schedule with some -- with the  
7 analyst staff being in the office part-time and then at home  
8 part-time.

9           You know, I can only speak to my staff.  
10 Everyone is doing a fantastic job, but we do need to get back  
11 to a new normal. I need staff to be mentoring each other in  
12 the office. Those soft skills of mentorship and team teaching  
13 need to happen.

14           You know, we just voted to approve our Minutes  
15 from the last meeting. And if you look at the Minutes from the  
16 last meeting, by a vote of 2 to 1, Commissioner Rogers and I,  
17 in the affirmative, we voted to approve a Board policy for  
18 vaccination; and that policy applies to all Board employees.

19           It's job-related. It's consistent with  
20 business necessity, if the Board is going to be requiring  
21 employees to return to work in its facilities, or physically  
22 together in any location, even if it's occasionally or  
23 part-time; and, importantly, if the policy is systemwide and  
24 contains exemptions and processes that comply with the EEOC

1 guidelines. And the 7th Circuit has been clear on this case  
2 law.

3 I asked last time if you had a State's  
4 Attorney's opinion supporting the argument that our vaccination  
5 policy was impermissible, or not legally supported. And if you  
6 do, I'd love you to share it. Again, if not, I'll be seeking  
7 one from the State's Attorney's Office to seek an opinion.

8 COMMISSIONER WENDT: Okay. That's fine. I'm seeking the  
9 opinion of the Supreme Court. I think that's going to override  
10 the Cook County State's Attorney.

11 And, you know, as far as --

12 We're not in person right now. Jesse White  
13 just closed his office permanently. There's a reason for that.  
14 There's a reason that we're not in person. So we have time to  
15 wait on the Supreme Court and their opinion.

16 And if you're worried about --

17 You know, how are you going to control the  
18 public that comes into our office? How are you going to -- do  
19 you ride the train? Do you ask for the vac status of the  
20 people on the train with you? You know, these are all things  
21 that have not been thought through. There's no way to mandate  
22 the practicing Bar that comes in or the public that comes into  
23 our office.

24 COMMISSIONER CABONARGI: Well, I would disagree. I mean,

1 I think the public placing is the easiest. You have to be  
2 masked to come into our space. We've got physical barriers,  
3 the plastic shields. And then we can require proof of  
4 vaccination cards from the attorneys, if we choose, to prove  
5 that they're fully vaccinated, if they want to appear before  
6 the Board in purpose -- in person.

7 But talking about just the Board policy, all  
8 we did last meeting was create a Board policy that's systemwide  
9 that applies to all of the employees of the Board, equally. We  
10 can't even start the process of returning to work on a hybrid  
11 system, part-time, until, to Commissioner Rogers' point, we  
12 know who among our colleagues is vaccinated and who's not.

13 You know, the safety and health of our  
14 employees and public is the most important thing. And we can't  
15 return to work until we know who is vaccinated and who's not.  
16 And this is simply a survey.

17 And the fact that a little more than half of  
18 your staff has completed it and that, based upon your answer to  
19 my question, you don't have any plans to get that to a hundred  
20 percent -- and, in fact, you're not encouraging them to  
21 complete it -- is concerning, because that's in violation of a  
22 Board policy. You voted against it, but it's still a policy  
23 that applies to you and your staff.

24 COMMISSIONER WENDT: Thank you for your thoughts on this.

1 I will take all of it into consideration.

2 CHAIRMAN ROGERS: Respectfully, those are not just  
3 thoughts. Those are -- that's the policy of the Board, per a  
4 vote of the majority of the Commissioners.

5 Are you telling us that you're not going to  
6 comply with the policy of the Board with regard to reporting  
7 vaccination status and completing the survey?

8 COMMISSIONER WENDT: I, respectfully, don't work for you,  
9 Larry; or you, Mike. So I've been individually elected, as  
10 have both of you.

11 CHAIRMAN ROGERS: What about the staff?

12 COMMISSIONER WENDT: That's my staff. Do I have control  
13 over your staff?

14 CHAIRMAN ROGERS: The staff works for the County, and we  
15 have a policy for all Board of Review County employees. So,  
16 yes, if you don't want to report that you're not vaccinated and  
17 if you don't want to complete the survey, I guess that's  
18 something that the voters can take up with you. Although, I do  
19 think you're required to comply.

20 But the staff certainly has to comply with all  
21 Board of Review policies. And that is a Board of Review policy  
22 that was passed and has now been implemented now for several  
23 months. Your staff is not immune from complying with Board of  
24 Review policies.

1           COMMISSIONER WENDT:  What does that mean?  What does that  
2 mean?  Does that mean that you can discipline or fire my staff?

3           CHAIRMAN ROGERS:  Well, that's something we would never  
4 want to do.  But, obviously, if they don't comply with the  
5 policy, that may be something that is on the table.  I guess we  
6 have to decide that.

7                       I've never had a Commissioner, in my history  
8 at the Board, who refused to require their staff to comply with  
9 a Board policy, let alone a policy that is consistent with  
10 what's happening throughout the state and country.

11                      But, specifically, the Board policy has been  
12 passed by a majority of the Commissioners.  It's something that  
13 the staff has to comply with.  That's pretty elementary.

14                      Are you not going to require your staff to  
15 comply with the Board policy?

16           COMMISSIONER WENDT:  I think that, if we're going to open  
17 this up, we're going to have to review all Board of Review  
18 policies, then, and ensure that the Clerk, HR, and both of your  
19 staffs are following all Board of Review policies.  And then I  
20 get to decide whether or not they're complying with the policy  
21 and fire them, if I want to.

22                      Is that what you're saying?

23           CHAIRMAN ROGERS:  Commissioner Wendt, I'm not telling you  
24 what you can and can't do.  I'm simply --

1                   You know, that's not on the Agenda. If you  
2 want to deal with something like that, that's up to you. I'm  
3 just talking about what we are currently aware of, which is  
4 that your staff is a little over 50 percent in compliance with  
5 the Board policy.

6                   I want to say that we even extended the time  
7 period for compliance, based on the last meeting. And now  
8 we're hearing that you, despite a vote of the majority of the  
9 Commissioners and a policy of the Agency, are not requiring  
10 your staff to comply.

11                   And it's a health concern, quite frankly. We  
12 cannot plan a return to work effectively without knowing the  
13 vaccination status of all of the employees. So this is purely  
14 something -- it's not vindictive. It's meant to prepare the  
15 Board to do the work of the Agency. You're asking whether we  
16 can terminate them. I mean, you should be enforcing the policy  
17 of the Agency.

18                   COMMISSIONER WENDT: I didn't vote for this policy. I'm  
19 not going to enforce an unconstitutional policy, in my opinion,  
20 that's not even been decided on by the Supreme Court.

21                   And I also want to say you mentioned that it  
22 wasn't on the Agenda. We can discuss anything, according to  
23 the OMA statute. We just can't take action unless it's on the  
24 Agenda. I just, you know, want to remind you of that.

1           CHAIRMAN ROGERS: Well, I know it's your practice to try  
2 and blindside Commissioners with different issues without  
3 giving us any notice of the Agenda item. But, again, just  
4 sticking to the Agenda item, are you telling us that you will  
5 not be enf- --

6                     You're telling us, I guess, that you will not  
7 be enforcing the policy, and you're leaving it up to the two of  
8 us and the Agency to decide what disciplinary action, up  
9 through and including termination, is available for your staff  
10 for failure to comply with Board policy?

11           COMMISSIONER WENDT: That's not what I said. I already  
12 said --

13           CHAIRMAN ROGERS: But are you going to --

14           COMMISSIONER WENDT: I'm going to take this into  
15 consideration, everything that we're discussing right now. And  
16 I'm waiting for the oral arguments from the Supreme Court.

17           CHAIRMAN ROGERS: You're not a party to that litigation.  
18 This is -- that litigation, and the result of that litigation,  
19 is separate and apart from our Board policy that we voted upon.  
20 And that is the policy of the Agency.

21                     You specifically asked for this meeting. We  
22 have this meeting. Following up on the last meeting, you voted  
23 to confirm that the Minutes from the last meeting are accurate.  
24 And now we're asking about your compliance with a policy that's

1 been established and voted upon by a majority of the  
2 Commissioners; and you're telling us that you're not going to  
3 do it.

4 COMMISSIONER WENDT: Whether or not you think the United  
5 States Supreme Court's decisions apply to you or not, I'm  
6 waiting on their decision.

7 CHAIRMAN ROGERS: That's not what I said.

8 COMMISSIONER WENDT: It's a constitutional question.  
9 That's why they're hearing it. Do you think that that doesn't  
10 apply to our office?

11 CHAIRMAN ROGERS: It's a constitutional question not  
12 about the Board of Review's policy.

13 COMMISSIONER WENDT: It certainly relates to the  
14 vaccination mandates, Commissioner Rogers. It's all about  
15 constitutionality of the mandates.

16 CHAIRMAN ROGERS: Respectfully, the survey asks that you  
17 report your status. You're not even reporting your status or  
18 the status of your staff.

19 COMMISSIONER WENDT: Well, it looks like 55 percent of  
20 them did.

21 And I think it's about the mandate of the  
22 survey as well, so I'm not doing anything.

23 COMMISSIONER CABONARGI: What do you mean "so"? I  
24 don't --

1 COMMISSIONER WENDT: What's that?

2 COMMISSIONER CABONARGI: You are single-handedly  
3 preventing the Board from reopening -- you, alone.

4 COMMISSIONER WENDT: I am?

5 COMMISSIONER CABONARGI: Single-handedly.

6 COMMISSIONER WENDT: So is Jesse White single-handedly  
7 preventing the Secretary of State from reopening?

8 COMMISSIONER CABONARGI: Why are we talking -- why are  
9 you talking about Jesse White? You said his office is  
10 permanently closed. He's closed for the next 2 weeks, and he  
11 announced it publicly so people can plan around it. We can't  
12 do any planning because of you.

13 I look at this chart; and half of your staff,  
14 in spite of your direction, has done the right thing and filled  
15 out the survey -- not because of you. In spite of you, to  
16 their credit, your staff filled out the survey. Okay? We  
17 cannot --

18 You are single-handedly seeing to we cannot  
19 reopen the Board. You, alone, are doing that -- you. And  
20 that's your choice. That is your choice to do that, to be a  
21 disruptive force and to prevent us from moving forward here.

22 And we've got enough stress on us right now,  
23 where the session is going to run very long and really stress  
24 our employees --

1           COMMISSIONER WENDT: The Board of Review is open,  
2 Commissioner.

3           COMMISSIONER CABONARGI: -- and we're approaching 2 years  
4 of being out of the office. And we need to get back into the  
5 office to serve the public and to do the best job we can by  
6 working together.

7           COMMISSIONER WENDT: The Board of Review is open.

8           COMMISSIONER CABONARGI: And I credit --

9                         Don't interrupt me when I'm speaking.

10                        A credit to your 55 percent who did the right  
11 thing, in spite of you -- in spite of you and your failed  
12 leadership.

13                        We have passed a personnel policy, no  
14 different than a time and attendance policy or a leave policy.  
15 This is a health and safety policy, by 2 to 1. You voted  
16 against that policy. You voted against following the science  
17 and following vaccine policies. You'll have to live with that.

18           COMMISSIONER WENDT: Do you speak to all --

19           COMMISSIONER CABONARGI: We have a policy that was  
20 passed, 2 to 1. And you, as a Commissioner, do not have the  
21 right, as you just did, to get on and tell your staff, "Don't  
22 follow that, because I voted against that policy". They're not  
23 your employees. They're Board employees.

24                        And one more thing -- and I'll give you the

1 floor: You keep suggesting here that if your staff is in  
2 violation of a policy and you're not going to enforce it and  
3 you force the Commissioners, as a whole, to take action,  
4 that -- you're threatening, suggestively, that you're going to  
5 retaliate against our staffs for alleged misconduct.

6 If there's misconduct with our staff, please  
7 let us know. I'm not aware of any. But if you are -- and you  
8 keep suggesting you are -- you have a responsibility to do one  
9 of two things: put up or shut up.

10 The floor is yours.

11 COMMISSIONER WENDT: Thank you.

12 Do you speak to all women this way,  
13 Commissioner?

14 COMMISSIONER CABONARGI: That's insulting.

15 COMMISSIONER WENDT: And don't laugh. Okay? Don't  
16 laugh.

17 COMMISSIONER CABONARGI: That is so insulting. And it's  
18 such an insult to all strong women. More than 50 percent of my  
19 staff identify as female. And for you to suggest that I'm  
20 overtalking you not because of your incompetence but because of  
21 your gender, that's insulting.

22 The answer to the question is, no.

23 COMMISSIONER WENDT: Right. Right. Pointing the finger.

24 COMMISSIONER CABONARGI: When you're the reason that we

1 can't reopen, yeah. Right there.

2 COMMISSIONER WENDT: Really? Have I been the reason that  
3 we can't reopen the Board?

4 COMMISSIONER CABONARGI: Commissioner Tammy Wendt. In  
5 case the record's not clear, the reason the Board cannot move  
6 forward with reopening, in light of COVID-19, is because of  
7 Commissioner Tammy Wendt, period, full stop.

8 COMMISSIONER WENDT: That's a great soundbite. That's a  
9 great soundbite, but it's wrong. The public can come in  
10 anytime. The Board of Review is open. You're well-aware of  
11 that.

12 COMMISSIONER CABONARGI: I've never said that the Board  
13 wasn't open. I'm saying the staff can't come back into the  
14 office to do our work together and return to a new normal. The  
15 staff has presented a hybrid schedule that allows us to safely  
16 come back to the office.

17 By the way, I'm not sure if you've ever been  
18 to the office. I mean, it's been over a year that you've been  
19 a Commissioner. I've never even seen you there.

20 COMMISSIONER WENDT: Oh, are we going to discuss that  
21 now? Okay. Let's talk about how often you've come into the  
22 office, Commissioner, in the past -- how long have you been a  
23 Commissioner? 10 years?

24 COMMISSIONER CABONARGI: 10 years.

1           COMMISSIONER WENDT:  Let's talk about that.  How often do  
2 you come into the office?

3           COMMISSIONER CABONARGI:  I was in last week.

4           COMMISSIONER WENDT:  Yes.  Yes.  Yes, I've been there.  
5 But guess what?  The Board of Review has not been open to our  
6 employees since I've been elected, but I have been there.  I  
7 don't understand what the point is here.

8                         But, you know, you just said, "Commissioner  
9 Tammy Wendt is the reason the Board of Review can't open".  We  
10 are open.  I think the public needs to know that.

11           COMMISSIONER CABONARGI:  No, I did not say that we can't  
12 open.  I said we can't bring the staff back yet.  Be clear.

13           COMMISSIONER WENDT:  Let's move on.

14           FIRST ASSISTANT COMMISSIONER LARA:  Commissioner Wendt,  
15 I don't think Allen is on the call.

16                         William, you're on the call.

17                         But we've had a full staff at the -- you know,  
18 at the front desk, I think, the entire time.

19                         William, please correct me if I'm wrong.

20           CHIEF DEPUTY COMMISSIONER O'SHIELDS:  We did return to  
21 having the front counter fully staffed 5 days a week when we  
22 reopened the Board for the 2021 tax year.  So that was back in  
23 July.  And then we also have had folks --

24                         We do need a physical presence for issues such

1 as mail and things of that nature that have to be processed in  
2 a timely manner; but it's pretty much been the front counter  
3 staff as well as the Secretary's Office.

4 And then, as you know firsthand, Roland --

5 FIRST ASSISTANT COMMISSIONER LARA: Yes.

6 COMMISSIONER WENDT: -- you know, management has been on  
7 site 2 or 3 days a week for the past few months or so.

8 FIRST ASSISTANT COMMISSIONER LARA: Yeah, we've had -- I  
9 mean, we've had --

10 Commissioner Wendt, we've had people at the  
11 front staff (sic) for the entire time to answer mail, to  
12 distribute things as they are necessary. So, yeah, we're here.

13 CHAIRMAN ROGERS: Commissioner Wendt, just to bring it  
14 back to the subject, we simply, obviously, have to pass certain  
15 policies at the Agency that apply to all individuals. That  
16 would be my staff, Commissioner Carbonagri's staff, your staff,  
17 the Secretary's staff, and the Chief Clerk's Office.

18 The vaccination survey is just one such  
19 policy, and it truly is intended for the health and safety of  
20 not just the public but the staff. So we would ask that you  
21 comply and have all of your staff comply.

22 To Mike's credit, 55 percent of your staff has  
23 done the right thing and complied and appreciates the fact that  
24 this policy applies to them. Why the other 45 percent have not

1 complied is not something that you are reporting to us.

2 I mean, did you tell them not to comply?

3 COMMISSIONER WENDT: I've already discussed this. I'm so  
4 sick of beating this dead horse. I've already told you. I  
5 told them -- I told my staff I am not making any -- I am not  
6 making any decisions whether or not they need to comply until I  
7 hear from the Supreme Court.

8 CHAIRMAN ROGERS: Okay. Did you explain to them that  
9 that is -- that the Board of Review, by a majority of the  
10 Commissioners, has voted that they do have to comply with the  
11 survey? Are they understanding that and willfully violating  
12 the policy and subjecting themselves to discipline?

13 COMMISSIONER WENDT: No, that was never discussed.

14 No policy can be passed in good conscience if  
15 we -- or me, in this case -- think that it's unconstitutional.  
16 I can't do it. And I'm not going to tell my staff, you know,  
17 "Listen, you need to disclose your private information to me,  
18 or you're going to be fired". That's -- that's a violation.  
19 That's a violation.

20 CHAIRMAN ROGERS: I'm not sure what that means. But I  
21 think in fairness --

22 COMMISSIONER WENDT: The Constitution.

23 CHAIRMAN ROGERS: In fairness of the 45 percent of your  
24 staff that may be unclear as to this requirement, I would ask

1 that the Secretary's Office communicate by memo to all staff,  
2 including Commissioner Wendt's staff, that the Board of Review,  
3 on December 6th of 2021, formally passed, by a majority vote of  
4 the Commissioners, a personnel policy that requires that all  
5 Board of Review staff complete the survey.

6           It's come to our attention that Commissioner  
7 Wendt's staff may not have been so informed. And by this  
8 notice and memo, we are formally notifying them that they are  
9 required to comply with Board of Review policy with regard to  
10 completion of the survey.

11           We'll give them a new final deadline date for  
12 compliance. That's what I think should be happen. I welcome  
13 suggestions or thoughts from Commissioner Wendt or Commissioner  
14 Cabonargi.

15           COMMISSIONER WENDT: I mean, you're implying that you  
16 know my staff's state of mind.

17           CHAIRMAN ROGERS: No, I'm not suggesting that,  
18 Commissioner Wendt. I'm just suggesting that I want to make  
19 sure, in fairness to them -- because I don't know what you've  
20 communicated to them. I want to make sure that they are aware  
21 that this is a requirement of the Agency and that failure to  
22 comply with this personnel requirement subjects any staff --  
23 not just them, but any staff member -- to discipline, up to and  
24 including termination. I think they should be informed.

1           COMMISSIONER WENDT:  Is that in the policy?  Because I  
2  don't think that there's been disciplinary ramifications  
3  clearly stated.

4           CHAIRMAN ROGERS:  If you don't comply with the  
5  requirements of the Agency, obviously, termination is a  
6  potential disciplinary action that can be taken.

7           COMMISSIONER WENDT:  And that's stated in the policy?

8           COMMISSIONER CABONARGI:  Yes.  Yes.  It says that adverse  
9  employment action can be taken, including and up to  
10  termination, which is why I think Commissioner Roger's point is  
11  a good one.  I think the message coming from the Secretary's  
12  Office, confirming that everyone understands that they have to  
13  complete the survey.  And if they don't, and if they haven't  
14  been already -- I'll just suggest this, actually:

15                         An e-mail that goes out.  And for those people  
16  who haven't, being directly contacted offline by the  
17  Secretary's Office for a one-on-one conversation.

18                         Maybe there's a password issue.  Maybe there's  
19  a technology issue.  I know, in my case, as Roland mentioned,  
20  one of the two people who didn't complete the survey but is  
21  fully vaccinated, and boosters, had a password issue.  That's  
22  fine.  These things happen.

23                         But I think starting with an e-mail from the  
24  Secretary and then one-on-one follow-up, just giving the

1 employees the opportunity to not suffer an adverse employment  
2 action. Just fill out the survey, and just let us start moving  
3 forward with planning.

4 And, by the way, if they still don't do the  
5 survey and if they're not responsive to a one-on-one  
6 conversation, I don't think they're really setting themselves  
7 up for success.

8 COMMISSIONER WENDT: We don't have a Secretary, do we?  
9 Who's the Secretary?

10 COMMISSIONER CABONARGI: That's a good point. I mean, we  
11 haven't -- we have a Secretary's Office, and I suppose any one  
12 of them can send the e-mail out.

13 Is there someone else? We could have it come  
14 from William.

15 COMMISSIONER WENDT: Okay. So hold on. I just want to  
16 get this straight. We keep a person on staff with pay who is  
17 on a recording taking cash bribes, but we're going to fire  
18 someone that hasn't filled out a survey; is that right?

19 Is this the gentleman who was taking bribes  
20 and is under FBI investigation? I know that you two made the  
21 decision to put him on paid leave without any input from me.  
22 Is he still getting paid?

23 CHAIRMAN ROGERS: What's your input?

24 COMMISSIONER WENDT: Did you discuss this matter with me

1 at all?

2 CHAIRMAN ROGERS: I don't believe you've voiced any  
3 position whatsoever about it. Do you have a position?

4 COMMISSIONER WENDT: Don't answer a question with a  
5 question. I mean, respectfully, is this man still getting  
6 paid?

7 COMMISSIONER CABONARGI: Commissioner Wendt, there's a  
8 motion on the floor of the vaccine survey update. And I think  
9 what we're trying to do -- and we're making some progress  
10 here -- is, Commissioner Rogers suggested, and I agree, that we  
11 communicate -- that an e-mail go out staff-wide to everyone.  
12 And I would say that it come from William O'Shields, as Chief  
13 Deputy, to instruct anyone who has not completed the survey to  
14 complete it by the end of the week.

15 And then perhaps next Monday the Secretary's  
16 staff -- not just the Secretary, because we don't have one --  
17 the Secretary's staff can make one-on-one calls and take notes  
18 as those conversations go on to see if there's technology  
19 questions, questions about completing the survey, difficulty  
20 uploading a vaccination card, difficulty amending a vaccination  
21 card. For example, if they got boosted, and they want to amend  
22 it, whatever they need. Maybe they need one-on-one help.

23 And then they can -- we can identify who  
24 actually wants to get on that 55 percent winning team and move

1 forward and who is not going to comply with the policy of the  
2 Board.

3                   And for those people who are refusing to  
4 comply with the policy of the Board, they're no different than  
5 anyone else who refuses to comply with the policy of the Board.  
6 They're subject to a negative employment action.

7           COMMISSIONER WENDT: Why won't you send that e-mail out  
8 after the Supreme Court oral arguments?

9           COMMISSIONER CABONARGI: Why should we wait?

10          COMMISSIONER WENDT: So it doesn't matter to you what the  
11 Supreme Court has to say about the law as it applies to a U.S.  
12 standard?

13          CHAIRMAN ROGERS: Again, the Supreme Court is not  
14 deciding the constitutionality of the Board of Review.

15          COMMISSIONER WENDT: The Supreme Court is the -- listen  
16 to me. The Supreme Court is deciding the constitutionality of  
17 a mandate.

18                   So let's just vote on this. Let's just vote  
19 on it.

20          CHAIRMAN ROGERS: In any event --

21          COMMISSIONER WENDT: I'll call the motion.

22          CHAIRMAN ROGERS: I just want to suggest that the memo  
23 require all staff who is not reporting their compliance to  
24 notify, by e-mail, the Secretary's Office by a date certain. I

1 just don't want any staff who has not complied to not answer  
2 their phones when the Secretary's Office is calling. So  
3 just --

4 I think there should be some requirement that  
5 they report whether they are or are not going to be completing  
6 the survey by e-mail communication to the Secretary's Office by  
7 a date certain. That way we have clarity as to whether there  
8 is any confusion.

9 And, again, this is a testament to, you  
10 know -- what? Probably 70-plus percent of the Agency has  
11 complied. 55 percent of Commissioner Wendt's staff has  
12 complied. We just have this 45 percent; and we're unclear  
13 whether they understand the Agency's mandate policy that they  
14 comply. We want to make sure that they have a fair opportunity  
15 to do so.

16 COMMISSIONER WENDT: And, you know, let's just be clear.  
17 They're complying because you're threatening not to pay them or  
18 to fire them.

19 CHAIRMAN ROGERS: No. No. Respectfully --

20 COMMISSIONER WENDT: Call the motion.

21 CHAIRMAN ROGERS: No. Respectfully, there's no threats  
22 at all. There's just a pandemic that's affecting the world,  
23 and there have to be some actions. There have been executive  
24 actions by the Governor's Office on multiple occasions. Those

1 have been upheld in Illinois despite challenges.

2           There's just things that are necessary for the  
3 health and safety of all individuals. We want to make sure  
4 that we have as safe of an environment as possible. This is  
5 not meant -- it's not meant as a threat to anyone.

6           COMMISSIONER WENDT: Well, it is. It is.

7           CHAIRMAN ROGERS: It's meant to be --

8           COMMISSIONER WENDT: It is.

9           CHAIRMAN ROGERS: It's meant to --

10                   No. No. Just notifying someone of the  
11 ramifications of their decision is not a threat.

12           COMMISSIONER WENDT: It's coercion. It's coercion.

13           CHAIRMAN ROGERS: No, it's not coercion.

14           COMMISSIONER WENDT: And I'm happy that I'm going to be  
15 on the right side of the law when this all plays out.

16                   So let's call the motion.

17           CHAIRMAN ROGERS: You do have a history of being on a  
18 side of the law.

19           COMMISSIONER WENDT: What does that mean? What does that  
20 mean, Commissioner?

21           COMMISSIONER CABONARGI: What's the motion on the floor,  
22 colleagues?

23           COMMISSIONER WENDT: Do you see what you two do to me?

24 Do you see what you two do? This is called bullying. This is

1 called sexism. Keep it up. I mean, you want to call things  
2 out like this --

3 CHAIRMAN ROGERS: I guess when you say something against  
4 me, is it racism, if you say something contrary to my position?  
5 No.

6 COMMISSIONER WENDT: Oh, you're going to call it racism  
7 now?

8 CHAIRMAN ROGERS: I said, "no". I said it's not. Just  
9 because you say something that's contrary to another  
10 Commissioner, be they of a different race or gender, doesn't  
11 make it a gender-based comment or a race-based comment.

12 I'm saying -- what I'm saying to you --

13 COMMISSIONER WENDT: I feel threatened. You guys make me  
14 feel threatened.

15 CHAIRMAN ROGERS: I don't know why you feel threatened.  
16 I don't -- I'm not threatening you at all.

17 COMMISSIONER WENDT: Because every meeting we have it's  
18 two against one. It's two men against one woman.

19 Call the motion. I want this done.

20 CHAIRMAN ROGERS: You know, just so the record is clear,  
21 we've given you every opportunity to state your position. We  
22 just, respectfully, disagree with your position. We think that  
23 the science indicates that it's important to know vaccination  
24 status so you can plan as safe of a work environment as

1 possible. And that's the only intent of our policy.

2                   And when we have some indication that your  
3 staff is not fully informed that it's a Board policy, we want  
4 to make sure that they have a fair chance. So that's what this  
5 is intended to do; nothing more and nothing less.

6           COMMISSIONER CABONARGI: And, Commissioner Wendt, you  
7 asked for this meeting; and I agreed to this meeting. But, if  
8 you check the Minutes, I also asked that, if we're going to  
9 have a meeting, we have to have written motions and materials  
10 to review ahead of time so that it wouldn't evolve into a  
11 conversation that gets off of the subject, because we don't  
12 have a subject in front of us. So when you say, "Call the  
13 motion", you asked for the meeting.

14                   Okay. I'm going to make a motion. I move  
15 that Chief Deputy William O'Shields send an e-mail to all of  
16 the staff of the Board of Review today instructing any staff  
17 who have not completed the survey to complete the survey by  
18 close of business Thursday -- this Thursday -- and that, for  
19 those employees who have not completed it by Thursday, close of  
20 business, on Friday of this week the Secretary's Office send an  
21 individual e-mail to each of those employees who have not  
22 completed the survey; and in the e-mail ask if they need  
23 assistance in completing the survey.

24           CHAIRMAN ROGERS: I second the motion.

1 COMMISSIONER CABONARGI: I call the question.

2 CHAIRMAN ROGERS: All in favor --

3 Is there any discussion -- further discussion  
4 on the motion?

5 COMMISSIONER WENDT: Well, I just want to say that I  
6 think that it's common knowledge that you can get COVID when  
7 you're vaccinated. I think most people now with it are  
8 vaccinated. So that was not mentioned in this discussion.

9 CHAIRMAN ROGERS: I think it's also reported that most  
10 people who are hospitalized and dying are those who have not  
11 been vaccinated.

12 COMMISSIONER WENDT: 70 percent are vaccinated, from the  
13 last thing I read.

14 COMMISSIONER CABONARGI: I'd like to call the question on  
15 my motion.

16 CHAIRMAN ROGERS: Any further discussion?

17 (No response.)

18 CHAIRMAN ROGERS: Hearing none, all in favor of the  
19 motion indicate so by saying "aye".

20 COMMISSIONER CABONARGI: Aye.

21 CHAIRMAN ROGERS: Aye.

22 All against, indicate so by saying "nay".

23 COMMISSIONER WENDT: Nay.

24 CHAIRMAN ROGERS: Let the record reflect that the "ayes"

1 have it, and the motion carries.

2                   And Commissioner -- I'm sorry -- Deputy  
3 Commissioner William O'Shields will prepare the e-mails, as  
4 requested, with a deadline for compliance and a deadline for  
5 notification of the staff as to their willingness to comply or  
6 not to comply.

7                   Just for the record, I do -- since there was  
8 reference to us having no Secretary, I would mention that,  
9 again, Jim Thompson accepted a new position; so we do have a  
10 vacancy in the Secretary's position, but the office has  
11 continued to run without interruption, thanks to the  
12 hardworking staff of the Secretary's Office, including Debra  
13 Brown and others. So we do appreciate that. That's very  
14 important to maintaining an efficient and effectively operating  
15 office.

16                   COMMISSIONER WENDT: Are we going to advertise on the web  
17 site to fill that position?

18                   CHAIRMAN ROGERS: We're going to post the opportunity to  
19 apply for the position publicly so that we can fill that  
20 position as soon as possible.

21                   Moving on with Old Business, is there any  
22 motion -- strike that.

23                   What is the status of monthly meetings and  
24 posting annual meeting dates?

1           COMMISSIONER WENDT: Yeah. I just -- I brought this topic  
2 up last month, with the understanding that it would be placed  
3 on the Agenda for further discussion.

4           The Board of Review, historically, has not  
5 been very open with their operations. Illinois Statute 5 ILCS  
6 120 requires an annual posting of all meetings prior to the new  
7 year. The Board of Review is required to have a minimum of  
8 three meetings, of which these have never been posted, as  
9 required. So this needs to change so that we can follow the  
10 law.

11           My proposed schedule is to meet,  
12 approximately, every other month. Since December has a  
13 statutorily mandated date of the first Monday, I propose we  
14 bypass a November meeting and then meet on -- so January,  
15 March, May, July, September and December. We can still open,  
16 you know, 2023, on July 6th.

17           Of course I don't know when we're going to  
18 close for 2022 because it's a moving target. But, as far as  
19 crafting an Agenda for each meeting, there should be a  
20 presentation of the budget status, as of the previous month or  
21 quarter. These budgets are usually presented by a budget  
22 analyst or some other senior administrator with budget access.

23           The Commissioners and the public should know  
24 how and where we're spending our money. When the 2022 budget

1 was crafted, there was a quorum of Board of Review  
2 Commissioners present and deliberating, but it wasn't an open  
3 meeting. This is contrary to current statute; and my First  
4 Assistant has referred it to the Public Access Bureau Division  
5 of the Attorney General for Review. Additional Agenda items  
6 could be added, as needed, to improve the transparency of the  
7 Board of Review.

8 That's my proposal.

9 CHAIRMAN ROGERS: Just to correct the record, for every  
10 year that I've been a member -- I'm sorry -- an elected  
11 Commissioner of the Board of Review we have had at least three  
12 meetings. One in or about May, June, July, when we close. We  
13 formally report the closing of the Agency. One in August,  
14 September, sometimes October, when we report the reopening of  
15 the Agency for filing. And then many, oftentimes, in December,  
16 as we did this past year, we have a meeting where we appoint  
17 the new chief -- I'm sorry -- chairperson of the Agency.

18 So I think --

19 COMMISSIONER WENDT: No, I know.

20 CHAIRMAN ROGERS: Well, no. Just for a moment...

21 You suggested that we don't have three formal  
22 meetings that are publicized to the public, and that's just  
23 simply not accurate. It occurred last year, and it has  
24 occurred every year that I've worked at the Agency; so that's

1 inaccurate.

2 COMMISSIONER WENDT: No. But they weren't posted before  
3 the year began, and that's what the requirement is.

4 COMMISSIONER CABONARGI: I'm sorry. I'm confused.  
5 You're saying the three meetings have to be posted? So our --  
6 wait. I'm sorry. Explain to me when your -- what your  
7 understanding is of when those three meetings have to be  
8 posted.

9 COMMISSIONER WENDT: It's in the statute.

10 CHAIRMAN ROGERS: I don't believe that's accurate. But  
11 if you believe it's accurate, that would mean that you didn't  
12 comply by posting, or proposing even, three dates, as of the  
13 end of 2021, for meetings in 2022, if you're accurate.

14 COMMISSIONER WENDT: The statute requires an annual  
15 posting of all meetings prior to the new year.

16 CHAIRMAN ROGERS: Did you?

17 COMMISSIONER WENDT: I'm just saying what the statute  
18 calls for. I mean, you guys are the legacy Commissioners here.  
19 I'm new, so I shouldn't be having to tell you what the statute  
20 says, as far as OMA regulations; but I'm telling you, and I'm  
21 asking you if we could please comply with that.

22 CHAIRMAN ROGERS: You've never respected the familiarity  
23 of Commissioner Cabonargi and I with the operation of the  
24 Agency or its history. You've just made allegations and

1 criticisms, as you just did in your comments a moment ago --

2 Let me finish. Let me finish.

3 They really are not helpful at all. It makes  
4 it very difficult to work with someone who does nothing but  
5 cast aspersions and criticisms and throws out suggestions of  
6 discriminatory actions when there really are none. I've never  
7 had this experience with another elected official, quite  
8 frankly, before your election.

9 But, you know, that being said, I'm happy to  
10 deal with it, as best I can. As always, I'm happy to work with  
11 you. I welcome you to communicate with me effectively. The  
12 things that you just read off of a piece of paper is not  
13 something that I can really digest. I didn't hear any proposed  
14 dates. You're referencing a description in the statute that I  
15 don't believe to be accurate, but I don't have it in front of  
16 me, and you haven't provided it.

17 COMMISSIONER WENDT: I did provide it.

18 CHAIRMAN ROGERS: You provided the statute that you're  
19 saying requires a posting?

20 COMMISSIONER WENDT: Does someone want to pull it up?

21 5/ILCS --

22 COMMISSIONER CABONARGI: No. No. No. Commissioner  
23 Wendt, I just want to jump back. You just read something on  
24 here. And, again, what did I -- I just want to refer to what I

1 just said a minute ago and what I said a month ago.

2 If you're asking to have regular meetings,  
3 then you need to come prepared. You clearly have something in  
4 front of you that you just read to us. And on the Agenda as  
5 Old Business is "Motion to -- it references as a calendar. I  
6 don't have a calendar that was provided to me by you, so I'm  
7 not sure what we're discussing here.

8 This is exactly what I was concerned about is  
9 an open, kind of an unstructured conversation. There's a  
10 motion on the floor that you'd like to present and a proposed  
11 calendar. It hasn't been given to us.

12 COMMISSIONER WENDT: I don't know why you two continue to  
13 do this: deflect, telling me I'm unprepared. I'm reading notes  
14 that I prepared for today's meeting. I just told you the  
15 months that I am proposing that we meet -- every other month.

16 Why are you telling me that I have no idea  
17 what I'm talking about? I mean, did you guys take the OMA  
18 training? Why are you asking me what the statute says?

19 COMMISSIONER CABONARGI: Just to answer the question, I'm  
20 not deflecting. And this gets back to what Commissioner Rogers  
21 said, so I want to be careful in my words here.

22 I'm not deflecting. I am not attacking you.  
23 I am being respectful of who you are. I am just saying that,  
24 in my experience, meetings work better when we have an Agenda

1 and written materials to review. So that we all are on the  
2 same page as to what we are reviewing.

3                   You asked for this meeting, Commissioner  
4 Wendt. I was happy to be here for the meeting. I'm happy to  
5 be here for anytime you want to meet. But I would like -- I  
6 think it's more effective if we have a clear agenda as to what  
7 we're talking about.

8                   So you're saying -- I don't have it in front  
9 of me. I still don't have it. You're proposing a calendar of  
10 meeting monthly. It says here, "Regular BOR monthly meeting"  
11 and "Posting annual meeting".

12                   So you want to meet monthly or every other  
13 month?

14                   COMMISSIONER WENDT: Every other month. I would suggest  
15 that I don't think monthly is necessary.

16                   But, you know, you're saying this wasn't on  
17 the Agenda. "Motion 1: Vaccine Survey Update". You just took  
18 action on that by saying that you're going to send out an  
19 e-mail. That wasn't on the Agenda. I mean, you took action on  
20 that.

21                   I put on here, "Regular BOR monthly meeting  
22 and "Posting annual meeting calendar". I'm suggesting every  
23 other (sic). I don't understand why you're saying this wasn't  
24 on the Agenda when it was. And I just told -- I just asked you

1 if you could meet every other month. This was an Agenda item.

2 CHAIRMAN ROGERS: No, I think, just for clarity, what the  
3 Old Business reference says is, quote, "Regular Board of Review  
4 monthly meeting" and "Posting annual meeting calendar". That's  
5 what's on the Agenda.

6 What you just described is different than  
7 that, in that it proposes every other month.

8 COMMISSIONER WENDT: Okay. Well, if you want to meet  
9 every --

10 CHAIRMAN ROGERS: I'm sorry. Just let me finish. Let me  
11 finish.

12 It also references a requirement that we post  
13 the dates of at least three meetings before -- as I understand  
14 it -- before a calendar year. When you made that reference,  
15 that was a reference that I was saying I wasn't familiar with,  
16 that requirement. And I simply wanted to reference that we  
17 typically do post at least three meetings every year.

18 So all we're asking is for some clarity, I  
19 guess, on this annual posting of the meeting calendar. That's  
20 not something that I am, quite frankly, familiar with, the  
21 requirement that it be posted before the calendar year, as to  
22 the dates of the meetings.

23 So if you have that reference, what I would  
24 propose is that we have the staff look at that so we can make

1 an informed decision. I'd like to be informed. And then we  
2 can decide on that -- how about at the next meeting? And we  
3 set a new meeting date today where we can take up that issue to  
4 see what compliance is -- what is required, if, in fact, that's  
5 required?

6 Is that fair?

7 COMMISSIONER WENDT: Sure. I mean, I just told you what  
8 the requirement was. I don't know why you need to verify it  
9 with your staff.

10 CHAIRMAN ROGERS: You don't know why I want to read it  
11 for myself? I'd just prefer to read it so I know that we are  
12 understanding it to have the same requirement. That's all.

13 Can you allow me that opportunity?

14 COMMISSIONER WENDT: Sure.

15 CHAIRMAN ROGERS: Okay. So we will set a new date,  
16 meeting date, where we will take up that issue. And we'll go  
17 from there.

18 Anything else that you want to say on that  
19 subject matter?

20 COMMISSIONER WENDT: Nope. No. Thank you.

21 CHAIRMAN ROGERS: Okay. I would ask that you retract  
22 your statement that we have not been posting meetings in the  
23 history of the Board. I don't think that was really fair.

24 COMMISSIONER WENDT: No, I don't think that you have been

1 posting them timely like the statute requires.

2 CHAIRMAN ROGERS: You mean in December, for the next  
3 year?

4 COMMISSIONER WENDT: Prior to the new year is what the  
5 statute requires.

6 CHAIRMAN ROGERS: Okay. And would it be fair to say  
7 that, in December of 2021, in November of 2021, you didn't  
8 propose any schedule to be posted for 2022?

9 COMMISSIONER WENDT: Why are you talking about what I  
10 did?

11 CHAIRMAN ROGERS: Because you were a Commissioner at that  
12 time. And if you're saying that that was required, you didn't  
13 propose anything for November or December of 2022, which would  
14 mean, I guess, you were not in compliance.

15 COMMISSIONER WENDT: Well, I was sworn in in December. I  
16 was sworn in in December of 2020.

17 CHAIRMAN ROGERS: 2020.

18 COMMISSIONER WENDT: Mm-hmm.

19 CHAIRMAN ROGERS: So you had a year to propose a calendar  
20 that you say is required. Just so the record is clear, you  
21 didn't propose that for 2020 or 2021, for that matter.

22 COMMISSIONER WENDT: Well, did you guys take the OMA  
23 training and receive a certificate?

24 CHAIRMAN ROGERS: We're talking about --

1                   You won't even tell us your vaccination  
2 status. You're asking us to report something to you. Can you  
3 just tell me --

4                   We can move on. We know that you didn't  
5 propose any schedules.

6           COMMISSIONER WENDT: Well, there weren't any other  
7 meetings in 2020, so I don't know what you wanted me to  
8 propose.

9           COMMISSIONER CABONARGI: No. I think what I've been --  
10 and I'm sorry to interrupt. I think what I'm hearing from  
11 Commission Rogers is you're saying that the -- that  
12 Commissioner Rogers and I have violated your understanding of  
13 the Open Meetings Act because we didn't publish, a year in  
14 advance, the 2021 calendar in 2020, because you're saying by  
15 December 30th of 2020, that was our deadline to publish our  
16 dates for the meetings in 2021.

17                   You were a Commissioner by December 30th,  
18 2020. So if the Board didn't publish it, it was your  
19 responsibility as well. Similarly, for the record, it's  
20 January 3rd today. At no point, in 2021, when you were a  
21 Commissioner, did you propose a calendar of meetings for 2022.

22                   Under your -- that's your understanding of the  
23 statute. Again, I need to look at it and refresh my memory on  
24 it. But, you know, I'd like to move on to New Business, if we

1 can, because we're approaching 2 hours.

2 COMMISSIONER WENDT: I'm just trying to fix things moving  
3 forward.

4 CHAIRMAN ROGERS: Okay. But, again, it's not our agency.  
5 It's an agency that all three of us are responsible for  
6 operating. So when you say we didn't do something, you should  
7 say -- that you think is required -- you didn't do it either.

8 COMMISSIONER WENDT: I'm saying that it hasn't been done  
9 in years, or ever. So let's just agree that we're going to --

10 COMMISSIONER CABONARGI: But, again, you were a  
11 Commissioner for the last month of 2020 and throughout 2021.  
12 And for the 2021 calendar and the 2022 calendar, at no point  
13 did you propose a calendar of meetings, which, under your  
14 interpretation of the law, would violate the law. That's,  
15 again, your interpretation.

16 But, again, I think, Commissioner Rogers, I  
17 like what you're saying. Let's take a -- I'd like to take a  
18 look at it.

19 Commissioner Wendt, if your notes are  
20 something that you could share with us, I'd like to make those  
21 part of the record so I can take a look at what was read in, if  
22 those are written notes, if you're willing to share them. If  
23 not, I completely understand. But it might be helpful. And  
24 then we can revisit this at our next meeting.

1                   And moving on to New Business, Chair...

2           CHAIRMAN ROGERS:  New Business:  There's a --

3                   I'd like a report from the staff on the status  
4 of travel and reimbursement expenses and procedures that are,  
5 or need to be, in place.  It's kind of come to my attention  
6 that we've had an unprecedented number of requests to reimburse  
7 expenses that I would say are kind of out of the norm, which  
8 include some travel expenses.  I think maybe some hotel  
9 expenses.

10                   Can I have a member of the staff kind of give  
11 us an update on what those are?  If you have any suggestions  
12 about a policy for addressing that, I'd like to hear your  
13 thoughts on it.  Is someone from the Secretary's Office on the  
14 line?

15           CHIEF DEPUTY COMMISSIONER O'SHIELDS:  I'm having maybe  
16 some technical issues.

17   (Brief pause.)

18           CHIEF DEPUTY COMMISSIONER O'SHIELDS:  So would you like  
19 me to speak to it?  Because what I'm really just referring to  
20 is a document titled Cook County Travel & Business Expenses  
21 Policy and Procedures.

22                   And, in essence, just a quick summation,  
23 oftentimes, just because we run a very lean operation here,  
24 certain reimbursement requests should be presented to the

1 Secretary's Office, because they are the ones that take care of  
2 the billings, and they go through procurement and whatnot prior  
3 to those expenses being incurred versus after the fact.

4           Again, it really boils down to just making  
5 sure that we have the monies available to, basically, fund the  
6 reimbursement rather than undertaking whatever activity, and  
7 getting billed, and then asking later. It's, particularly, an  
8 issue as we near the end of our fiscal year, like around in  
9 November and October and whatnot.

10           And so that is really the main focus of just  
11 raising this issue, in terms of just the procedures.

12           CHAIRMAN ROGERS: Okay. So for historical purposes, we  
13 have certain training requirements, such as IAAO training. And  
14 we, in order to be lean and efficient, try to make sure staff  
15 participates in those activities when they're local as opposed  
16 to you need to travel out of state and incur unnecessary travel  
17 and hotel expenses.

18           And we've operated largely on an honor system  
19 in that regard. We have not seen, historically, Commissioners  
20 or their staffs presenting, you know, sizable bills or out of  
21 the norm requests.

22           As of late, I'm told that there have been some  
23 requests for some, I think, out of state travel and  
24 reimbursement. And so I wanted to have that issue sort of

1 discussed so we can decide what we need to do. Because we  
2 don't want to be in a situation where we are out of money that  
3 we've been budgeted or we are outside of our budget because  
4 we've incurred expenses that were not included in our initial  
5 budget.

6 And we need to discuss whether we need some  
7 type of a pre-approval process, or a deadline, or date by which  
8 any such requests are submitted or pre-approved.

9 Any thoughts? Anyone aware of out-of-state  
10 travel, or hotel expenses, things of that nature?

11 COMMISSIONER WENDT: I don't know of any out-of-state  
12 travel that any of myself or my staff have requested. There's  
13 been none.

14 CHAIRMAN ROGERS: What about --

15 COMMISSIONER WENDT: The only expense --

16 What was that?

17 CHAIRMAN ROGERS: I was asking about hotel or any other  
18 expenses.

19 COMMISSIONER WENDT: Springfield?

20 CHAIRMAN ROGERS: I'm not familiar. Did you have hotel  
21 charges for Springfield?

22 COMMISSIONER WENDT: I don't know.

23 Okay. Springfield. I went to Springfield,  
24 yes. I had hotel charges for Springfield. That was to obtain

1 my CIAO.

2 CHAIRMAN ROGERS: Okay. Do you mean Springfield that's  
3 about 3 hours away?

4 COMMISSIONER WENDT: Springfield, Illinois.

5 CHAIRMAN ROGERS: Okay. I don't know the detail of the  
6 expenses. I don't know what was submitted.

7 COMMISSIONER WENDT: Yeah. I was testing in Springfield,  
8 yes. Two tests in one day, 9:00 o'clock and 1:00 o'clock. One  
9 night.

10 But you know what? I'm glad you brought this  
11 up; because, when we were presenting the budget to the Board of  
12 Commissioners, one thing was clear that they wanted to see was  
13 individual budgets for each Commissioner. So I think that that  
14 needs to be a priority for our 2023 budget.

15 CHAIRMAN ROGERS: Yeah, I don't know that they were clear  
16 that they wanted to see it; but I think that issue was raised.  
17 But I don't believe we've ever received any type of budget  
18 proposal from you at any point in time, in 2020 or 2021.

19 With that being the case, what are your  
20 thoughts on the types of policies we should have for  
21 pre-approval of budgetary expenses, like hotels?

22 COMMISSIONER WENDT: Jim Thompson, who was Secretary at  
23 the time, advised me on how to submit reimbursements. I mean,  
24 I've been told what the rules are. I didn't make any rules.

1 I've been told what the rules are.

2 But I think Commissioners -- but Commissioners  
3 should be able to approve expenses for their staff.

4 CHAIRMAN ROGERS: Okay. Without limitation?

5 COMMISSIONER WENDT: Well, reasonable. I mean, if it's  
6 for education.

7 You know, I've been trying to get education --  
8 funding for education for a long time; and, you know, I was  
9 denied. When there was significant amounts of money still left  
10 in the budget, I was denied by you two in getting my staff  
11 their CIAO. This is what Jim Thompson advised me, that you  
12 guys would not share the remainder of your education budget  
13 with my staff.

14 CHAIRMAN ROGERS: I don't think you're accurately  
15 describing what occurred there.

16 COMMISSIONER WENDT: That's exactly what occurred. He  
17 said he would inquire, and he did.

18 CHAIRMAN ROGERS: I believe the educational budgetary  
19 line item is shared equally amongst the staffs. And your  
20 request was to utilize more than your allotment for your staff,  
21 which would deprive our staff of the opportunity to be up to  
22 date with their educational requirements.

23 So your request to call us names -- I'm  
24 sorry -- to ask to use our proceeds while calling us names and

1 criticizing us, yes, that was denied.

2 COMMISSIONER WENDT: Yeah, no, that's not what happened.

3 CHAIRMAN ROGERS: I owe my staff the opportunity to be up  
4 to date with their training just as you do.

5 COMMISSIONER WENDT: I had a bill from the last  
6 Commissioner, Dan Patlak. That had to come out of -- that had  
7 to come out of my budget. That was not for the education of my  
8 staff.

9 So when Jim Thompson told me that there was no  
10 money left in my budget because of Dan Patlak's staff, he  
11 informed me that there was still budget money left from you two  
12 that you weren't utilizing for your own staff and that he would  
13 inquire as to whether or not you would allow me to use that.  
14 And then he came back to me and said that you wouldn't.

15 So that's where we're at.

16 CHAIRMAN ROGERS: I think, just for clarity, those were  
17 monies that we had not, as of that date and time, utilized.  
18 That was before the IAAO conference that was in town. And,  
19 again, those are allotments for our staff.

20 You chose to hire who you chose to hire and  
21 fire who you chose to fire. And if you brought in people who  
22 were not adequately trained and let go of people who were  
23 adequately trained, that was a decision you made. But it does  
24 not become my responsibility to give you portions of my budget

1 meant to train my staff to train your staff. That's just not  
2 fair to my staff.

3                   But, anyway, we're getting a bit off topic.  
4 The question is, do we want to have some type of a pre-approval  
5 process for the submission of expenses that are incurred by  
6 staff? It could be a dollar amount. It could be -- it can  
7 happen a variety of ways. But I think we probably need to have  
8 some sort of system in place so that we avoid getting into a  
9 budgetary problem.

10           COMMISSIONER CABONARGI: You know, if I can make a motion  
11 here, I would -- rather than the three of us drafting one right  
12 now, I would like to hear from the Secretary's Office and the  
13 First Deputies, because they're closer to it, as to what  
14 they're proposing.

15                   So, if we can, I'd like to move this to next  
16 month's Agenda and continue this discussion and give --

17                   I think Debra -- I think you mentioned at the  
18 beginning, Commissioner Rogers, that Debra was hoping to join  
19 us. I think she's have technical difficulties.

20                   I don't know if this is time-sensitive. It  
21 doesn't sound like it is. But I'd rather postpone this till  
22 next month -- or to our next regularly scheduled meeting, if  
23 that's possible.

24           CHAIRMAN ROGERS: That makes sense. And perhaps the

1 staff can give us some historical perspective, over the last 2,  
2 4, maybe 6 months, about what they've seen, in terms of  
3 reimbursement requests, so we can have a context within what  
4 should be the recommendation.

5 COMMISSIONER CABONARGI: I mean, if I can just speak for  
6 a moment, I'm just going to speak to me.

7 I mean, I use the majority of my training  
8 budget for the annual December meeting, the IAAO legal  
9 conference, which is held in Chicago every other year. When  
10 it's held out of the state, we do not attend it. So my staff  
11 doesn't have travel, or hotel, or per diem, or anything like  
12 that. They're simply not at those meetings.

13 But, historically, every other year the  
14 December meeting, to my understanding, is held in Chicago. And  
15 that's when I send all of my attorneys to those meetings -- as  
16 well as some other staff who aren't attorneys -- primarily, who  
17 practice in the commercial space -- to that; because it's  
18 invaluable. And I give them that as part of their work duties.  
19 So, you know, they're paid for that. That's their regular  
20 workday. And then I use part of my training budget to pay for  
21 their fee, their admission fee, that we have to pay for that.

22 And then, Commissioner Wendt, as I recall  
23 it -- I'd have to go back and talk to Roland -- when you asked  
24 for our remaining training budget, we had already committed

1 that, because Jim Thompson, at the time, brought that back to  
2 Roland. And Roland and I talked that we did have a commitment  
3 in December of what we were going to be doing training-wise  
4 with our staff, so we had that money obligated.

5 I understand. The election calendar and the  
6 fiscal calendar do not align themselves. And we've all talked  
7 about it before, that you end up inheriting a budget that your  
8 previous Commissioner had spent down. And that's, you know,  
9 kind of above my pay grade, in what the election calendar and  
10 the swearing in calendar is. But moving forward I don't think  
11 we're going to have that problem.

12 CHAIRMAN ROGERS: Are you okay with deferring this to the  
13 next meeting, Commissioner Wendt?

14 COMMISSIONER WENDT: You know, I just want to say that  
15 that money was spent by Commissioner Patlak in 2019, and I was  
16 charged for it in 2020; so, you know, that did affect me.

17 And then, also, I just want to make a reply on  
18 what you said, Commissioner Rogers, as far as letting go of  
19 trained staff in exchange for untrained staff. You know, I  
20 kept half of Commissioner Patlak's staff, which I think is  
21 probably something that is a first when it comes to the Board  
22 of Review.

23 CHAIRMAN ROGERS: The "probably" suggests that you don't  
24 know.

1           COMMISSIONER WENDT: "Probably" suggests that most  
2 Commissioners replace the entire staff; and I do know that.

3           COMMISSIONER CABONARGI: I didn't. Just for the record,  
4 I didn't. I'm not included in that "probably" or "mostly".

5           COMMISSIONER WENDT: Well, my point is --

6           CHAIRMAN ROGERS: Historically, that's an inaccurate  
7 statement.

8           COMMISSIONER WENDT: Well, I don't know why you had to  
9 bring that up, Commissioner Rogers. I'm replying to it.

10          COMMISSIONER CABONARGI: Well, just for the record, you  
11 made a suggestion, Commissioner Wendt. You said "historically"  
12 and, broad, "general". And I'm saying I want to speak to me --  
13 Commissioner Cabonargi -- I did not replace Board of Review  
14 staff when I came onboard.

15          COMMISSIONER WENDT: Did you keep half? Did you keep  
16 half?

17          COMMISSIONER CABONARGI: I kept most of them who were  
18 here.

19                        But my situation was a little bit different,  
20 Commissioner Wendt, because I was appointed to fill a vacancy.  
21 And my predecessor was elected to be Assessor and took the  
22 majority of his staff with him; so I had a large number of  
23 vacancies to fill.

24                        That's why I just want to make it clear.

1 You're saying you're the first one to keep, suggesting that I  
2 didn't. My situation is not the same as yours.

3 COMMISSIONER WENDT: My point is, most of the time I know  
4 it's very unusual for an elected official to keep the entire  
5 staff of their predecessor. I don't think that this is news to  
6 anybody.

7 CHAIRMAN ROGERS: It's just difficult when you make  
8 statements as if --

9 COMMISSIONER WENDT: You brought it up.

10 CHAIRMAN ROGERS: It's just difficult when you make  
11 statements that are not fact. It's difficult to ignore them  
12 without trying to set the record straight. So I appreciate --

13 COMMISSIONER WENDT: I'm sorry if I used broad terms.

14 CHAIRMAN ROGERS: Okay. Are you okay with deferring this  
15 to the staff for a recommendation at the next meeting?

16 COMMISSIONER WENDT: Yes. Yes.

17 CHAIRMAN ROGERS: Okay. Thank you.

18 The next item of New Business is public  
19 commentary policy discussion.

20 COMMISSIONER WENDT: I asked for this to be put on the  
21 Agenda to address the lack of a formal Board of Review policy  
22 on public participation, as required by the statute. It says,  
23 "Any person shall be permitted an opportunity to address public  
24 officials under the rules established and recorded by the

1 public body".

2                   So the problem is that the Board doesn't have  
3 any rules established. So, you know, currently typing  
4 questions or comments in the chat is the only forum available  
5 to the public. This is not what the law states. So the public  
6 needs to be able to participate in the public meetings. And  
7 this does not meet the standard.

8                   The Cook County Board of Commissioners policy  
9 is likely a model that we should go for. It allows for 3  
10 minutes of time to address the Board. Requests need to be  
11 submitted at least 24 hours in advance. And they have decorum  
12 rules as well.

13                   Without a policy in place, though, I think we  
14 risk what could amount to profane use of time. To stop someone  
15 from participating without rules will also result in a  
16 violation of the statute. We need to be able to run the  
17 meeting efficiently. So I just am proposing that we establish  
18 some rules.

19                   CHAIRMAN ROGERS: Okay. So you believe a model rule  
20 would be what is utilized by the Board of Commissioners with  
21 regard to public meeting commentary? Is that your proposal?

22                   COMMISSIONER WENDT: I think so. I think that's a fine  
23 model.

24                   CHAIRMAN ROGERS: Okay.

1           COMMISSIONER CABONARGI: I'm sorry, Commissioner Rogers.  
2 I'm not familiar with -- I'm going to admit that I'm not  
3 familiar with --

4                       So anyone who wants to speak has to submit  
5 their statement -- no. I'm sorry. They don't have to submit  
6 their statement. They have to, within 24 hours, before the  
7 meeting, contact the -- in our case that would probably be the  
8 Secretary's Office or our Chief Deputy to ask to speak at the  
9 meeting? Is that correct?

10           COMMISSIONER WENDT: Right. 24 hours, within 24 hours.

11           CHAIRMAN ROGERS: Can I ask the staff? I believe we do  
12 that. Did we post the opportunity for public comment before  
13 today's meeting?

14           COMMISSIONER WENDT: No.

15           CHIEF DEPUTY COMMISSIONER O'SHIELDS: Yes. Well,  
16 Commissioner, right now we do have a member of the Clerk's  
17 staff monitoring the chat. So if there are any particular  
18 questions raised by the public, she will notify the Chairman of  
19 the questions, and then you could address those questions then.

20           CHAIRMAN ROGERS: Okay. So my question --

21           COMMISSIONER WENDT: But our Agenda doesn't have that.  
22 I'm sorry. Our Agenda didn't state that, though, that we -- we  
23 don't have that on our Agenda.

24           CHAIRMAN ROGERS: For clarification, you said that we did

1 not post the opportunity for public comment at least 24 hours  
2 before the meeting. I asked staff, for clarification, did we  
3 post the opportunity for the public to comment at this meeting  
4 at least 24 hours before the meeting.

5 What was your response, William?

6 CHIEF DEPUTY COMMISSIONER O'SHIELDS: I had to make sure  
7 I was clicking the right button.

8 We have someone monitoring -- because I have  
9 to look at the web site just to verify it. But we do make that  
10 option available to folks who wish to participate.

11 CHAIRMAN ROGERS: Okay. So we have complied, contrary --

12 Factually, contrary to what Commissioner Wendt  
13 has alleged, we have complied before this meeting.

14 Your suggestion about adding parameters, such  
15 as time frame, for commentary is something we can take -- we  
16 can consider; but I don't have what you described as possibly a  
17 model policy in front of me. It wasn't circulated or provided;  
18 meaning, the policy that the County Board uses. So I'd like a  
19 chance to review that so I can decide whether that is an  
20 appropriate policy here. I imagine there should be some  
21 parameters also to keep people on topic of the Agenda.

22 So why don't we take a -- I don't know.  
23 Commission Wendt, do you want to circulate that policy so we  
24 can decide what portions of it or whether all of it is

1 applicable and appropriate for our Agency?

2 CHIEF DEPUTY COMMISSIONER THIELMANN: Hi, Commissioner  
3 Rogers.

4 Commissioner Wendt, let me speak for a minute  
5 to this point.

6 So, Commissioner Rogers, I don't know if  
7 you're aware of it. I'm a public official in Illinois as well.  
8 And I'm very aware of the Open Meetings Act. And the  
9 ability for the public to address the Board of Review is  
10 paramount to the statute. It does not --

11 The standard would be to be able to address  
12 the Board either in person or in a virtual setting, such as  
13 this. The standard of just typing a question is just not  
14 their -- does not meet the standard of public participation.

15 So it's something that the Board of  
16 Commissioners takes very seriously. They allow 3 minutes. A  
17 lot of boards fail to put a policy in place. And what that  
18 does is it creates a filibuster opportunity for people, because  
19 you can't interrupt them when they speak if you do not have  
20 policy.

21 If you put a time parameter on it, you can  
22 then restrict them to 3 minutes, 5 minutes, 15 minutes,  
23 whatever the Board agrees to. And this is Illinois Statute  
24 IL 120.2.06. It's been part of the OMA statute for decades,

1 and it's just -- it's something that the Board of Review has  
2 failed to allow in the past; but I think it's paramount to  
3 public business that the public be allowed to address.

4           The public does not have to address anything  
5 on the Agenda that day. There can't be a requirement for  
6 submitting a statement. There can't be a requirement for  
7 geography. There can't be a requirement for in person. Also,  
8 anyone who shows up to a meeting, whether in person or virtual,  
9 has the opportunity to report it. It's, again, part of the Open  
10 Meetings Act.

11           So I'll go ahead, and I'll let Commissioner  
12 Wendt speak to it. But I just wanted to give my opinion on it.  
13 Thank you.

14           CHAIRMAN ROGERS: Thank you.

15           Before you go, I am not familiar the office  
16 you hold. Can you share that with me?

17           CHIEF DEPUTY COMMISSIONER THIELMANN: Pardon me?

18           CHAIRMAN ROGERS: You said you are an elected official, a  
19 public official.

20           CHIEF DEPUTY COMMISSIONER THIELMANN: Yeah. I'm a fire  
21 trustee.

22           CHAIRMAN ROGERS: Okay. Where is this?

23           COMMISSIONER WENDT: In Palos, the Fire Protection  
24 District.

1           CHAIRMAN ROGERS:  And in terms of your familiarity with  
2 what the OMA requires, is that --

3                        Again, I don't know whether you just read the  
4 statute or if someone advised you.  I don't really know the  
5 basis of your opinion.  I need to know that to kind of give it  
6 some context.

7           CHIEF DEPUTY COMMISSIONER THIELMANN:  Well, the basis of  
8 the opinion is transparency.

9           CHAIRMAN ROGERS:  No.  No.  No.  That's not the -- your  
10 basis.  What makes you an authority on the OMA?

11           CHIEF DEPUTY COMMISSIONER THIELMANN:  I've taken several  
12 OMA training courses.  I'm OMA certified within my fire  
13 district, as all public agencies are required to have.  Their  
14 elected and their appointed members have OMA training.

15                        We also have an OMA officer within our public  
16 agency, which the Board of Review is required to have; but we  
17 do not have one.  So I'm very familiar with the Opening  
18 Meetings Act and the parameters and the requirements within it.

19           CHAIRMAN ROGERS:  Okay.  Are you familiar with --

20                        Does your board vote on policy?

21           CHIEF DEPUTY COMMISSIONER THIELMANN:  All of the time,  
22 yeah.  I don't know why that's pertinent, though.

23           CHAIRMAN ROGERS:  I'm just asking.

24                        Does it rule by a majority vote?

1 CHIEF DEPUTY COMMISSIONER THIELMANN: We have a board of  
2 five. The quorum is three.

3 CHAIRMAN ROGERS: And you make decisions, and you rule by  
4 a majority vote?

5 CHIEF DEPUTY COMMISSIONER THIELMANN: Yes. Of course.

6 CHAIRMAN ROGERS: Much like the Board of Review?

7 CHIEF DEPUTY COMMISSIONER THIELMANN: Much like the Board  
8 of Review, other than it's five instead of three.

9 CHAIRMAN ROGERS: So majority vote for the Board of  
10 Review would be two or three to establish policy of the Agency,  
11 based on your experience?

12 CHIEF DEPUTY COMMISSIONER THIELMANN: Based on my  
13 experience, yes.

14 CHAIRMAN ROGERS: And you are Commissioner Wendt's chief  
15 of staff?

16 CHIEF DEPUTY COMMISSIONER THIELMANN: I am. Thank you.

17 CHAIRMAN ROGERS: Okay. Thank you for sharing that  
18 information.

19 COMMISSIONER CABONARGI: Commissioner Rogers, can I make  
20 a motion?

21 CHAIRMAN ROGERS: Yes.

22 COMMISSIONER CABONARGI: This is on New Business.

23 I move to consider a public commentary policy  
24 for the board at the next meeting. And, in the meantime, for a

1 copy of whatever policy that Commissioner Wendt is suggesting,  
2 be circulated.

3 Separate from the policy Commissioner Wendt is  
4 circulating, I would like to see the Cook County Board's policy  
5 as well. And I guess the third item is I would like the Chief  
6 Deputy O'Shields to ask for a legal opinion from the State's  
7 Attorney's Office on our current compliance with public comment  
8 coming in virtually. Those are the three things that I would  
9 like to see.

10 Before I get off track and start saying other  
11 things, that's the motion I've got on the floor. I don't know  
12 if there's a second.

13 CHAIRMAN ROGERS: Commissioner Wendt, is there a second?

14 COMMISSIONER WENDT: Sure. Second.

15 CHAIRMAN ROGERS: I'll call the question.

16 Any further discussion?

17 (No response.)

18 CHAIRMAN ROGERS: Hearing none, all in favor of the  
19 motion please indicate so by saying "aye".

20 (Chorus of ayes.)

21 CHAIRMAN ROGERS: The motion carries. We will defer  
22 further discussion of that -- of the public commentary policy  
23 to the next meeting, with instructions, as indicated, to Chief  
24 Deputy William owe shield.

1                   The next item of New Business: Executive  
2 Session, if necessary. Is there any need to go into executive  
3 session?

4                   (No response.)

5           CHAIRMAN ROGERS: Hearing none, we will move on to  
6 adjournment.

7                   Is there a motion for adjournment of the  
8 meeting, with the Board of Review remaining in continuous  
9 session for the purposes of adjudication of appeals and other  
10 matters, as required by the Illinois Property Tax Code.

11           COMMISSIONER WENDT: What about public comment?

12           COMMISSIONER CABONARGI: Is there public comment that  
13 we've received through our portal?

14           COMMISSIONER WENDT: I don't know.

15           DEPUTY IN CHARGE BROWN: There is one public comment.  
16 They're just concerned that there's nothing on the web site for  
17 them to address the Board directly.

18           CHAIRMAN ROGERS: Did they post a comment?

19           DEPUTY IN CHARGE BROWN: They did.

20           CHAIRMAN ROGERS: I'm sorry. Can you read the comment?

21           DEPUTY IN CHARGE BROWN: There is nothing on the web site  
22 for me to be able to address the Board.

23           CHAIRMAN ROGERS: And who's is from?

24           DEPUTY IN CHARGE BROWN: Anonymous.

1           CHAIRMAN ROGERS: Okay. And, as of right now, we require  
2 posting through commentary in our comment section?

3           DEPUTY IN CHARGE BROWN: Correct.

4           CHAIRMAN ROGERS: Okay. What would you like to do?

5           COMMISSIONER CABONARGI: If "Anonymous" is watching our  
6 commentary and would like to comment or has a question or  
7 concern, I think we'd like to hear it. But to their point of,  
8 you know, there's no opportunity to participate, the floor is  
9 theirs.

10                       So if they have a question or a concern that  
11 they'd like to present to us, now is the time, by all means.

12           CHAIRMAN ROGERS: Sure. I mean, is there a way for us to  
13 identify who it is?

14           COMMISSIONER WENDT: I think it's a question. I don't  
15 think it's a comment.

16           COMMISSIONER CABONARGI: No. No. But if they're comment  
17 is they have no way to give comment, I think they've answered  
18 their own question. They are giving us their comment. We're  
19 hearing them, and now is their chance to participate.

20                       I mean, it's anonymous; so I'm not sure who it  
21 is. You know, if it's Mr. Thielmann or if it's someone else  
22 who has posted that. But, again, if that person would like  
23 to...

24           COMMISSIONER WENDT: But why would say that? Why would

1 you say if it's Mr. Thielmann.

2 COMMISSIONER CABONARGI: Well, because it's anonymous.  
3 It could be Mr. Thielmann. It could be Mr. Lara.

4 CHIEF DEPUTY COMMISSIONER THIELMANN: I did post two  
5 questions that haven't been asked. So there's a mediator  
6 that's limiting public participation, which is not the standard  
7 of OMA.

8 CHAIRMAN ROGERS: Did you post those as "Anonymous"?

9 CHIEF DEPUTY COMMISSIONER THIELMANN: I sure did. But  
10 there's no requirement to identify who you are in public  
11 participation of a meeting.

12 CHAIRMAN ROGERS: Well, Mr. Thielmann, you certainly have  
13 been allowed to participate on video. So what would you like  
14 to talk about?

15 CHIEF DEPUTY COMMISSIONER THIELMANN: But I'm showing the  
16 restrictions that you're placing on the public by me posting  
17 two questions and them not being asked because the mediator  
18 determined that they weren't pertinent.

19 CHAIRMAN ROGERS: No. Actually, what happened just now  
20 is we welcome "Anonymous" to participate when we were informed  
21 that there was a comment. And then we can't identify who  
22 "Anonymous" is; and lo and behold, Commissioner Cabonargi was  
23 actually right.

24 CHIEF DEPUTY COMMISSIONER THIELMANN: No, I did not -- I

1 did not post that question.

2 CHAIRMAN ROGERS: Okay. Anyway, if you have something --  
3 if you have some commentary, you obviously are a Chief Deputy  
4 Commissioner to Commissioner Wendt. You need not post  
5 anonymously. But you are welcome to make whatever comments you  
6 have.

7 CHIEF DEPUTY COMMISSIONER THIELMANN: I posted it to test  
8 the system, Commissioner; and it failed.

9 CHAIRMAN ROGERS: You are a part of the system.

10 CHIEF DEPUTY COMMISSIONER THIELMANN: Yeah. But I am not  
11 part of public in these proceedings. I am part of the  
12 administration in these proceedings.

13 As a member of the public I should be able to  
14 participate in the public portion of a public meeting; and I  
15 was not able to do that.

16 CHAIRMAN ROGERS: My point is that you are a Chief --  
17 You are Tammy -- Commissioner Wendt's Chief of  
18 Staff. There are chief meetings, and the role of each  
19 Commissioner and their respective staff is to improve the  
20 Agency. And you have never raised this issue, or made a  
21 suggestion or recommendation since 2020, when Commissioner  
22 Wendt was elected, about improving the system.

23 You stand as if you're outside of the system  
24 and posting things anonymously. You are a part of the system.

1 If you want to improve the Agency, we welcome your input to  
2 improve the Agency. You need not act anonymously. You are  
3 recognized as a part of her staff who, as you indicated, has to  
4 comply with Board policies.

5 As a member of the -- whatever fire protection  
6 agency that you serve on, you know those policies apply to all  
7 staff by a majority vote, as they do at the Board. And you are  
8 part of the system. Participate. Don't -- you don't have to  
9 hide behind "anonymous".

10 COMMISSIONER WENDT: He's not hiding, Commissioner.

11 CHAIRMAN ROGERS: Do you have something that you would  
12 like to raise, Mr. Thielmann?

13 CHIEF DEPUTY COMMISSIONER THIELMANN: Yes. I didn't want  
14 to interrupt you.

15 So I've been banging the drum about OMA  
16 compliance since probably February of 2021. It resulted in  
17 little progress within the administration. I banged the drum  
18 on the Consultant Detection Program, which did not lead to any  
19 change within the Administration of the Agency at this point.

20 So I have been trying to follow the protocol  
21 internally through the chiefs to make this Agency better; but  
22 just like Commissioner Wendt experiences, it's a 2 to 1 vote on  
23 everything. So that's the way it goes. And I understand that.

24 So I've gone beyond the Agency to try to

1 correct these issues. As you're all well aware, there are  
2 several complaints into the Public Access Bureau. There was  
3 complaints into the Office of the Inspector General only  
4 because I wasn't able to get anywhere internally. And I said  
5 repeatedly, "Do not be on the wrong side of history on these  
6 items", and I was laughed at. So you left me with -- you left  
7 me no choice but to go to the outside -- outside our agency. I  
8 am trying to improve it. Commissioner Wendt is trying to  
9 improve it.

10                   And then getting back to my work on the fire  
11 board, we've never passed a policy that was borderline  
12 unconstitutional. So to try to point -- to connect those dots  
13 there: ludicrous. But I wouldn't expect anything less,  
14 respectfully, Commissioner.

15           CHAIRMAN ROGERS: I'm not sure what that means. I do --  
16 I beg to differ. We welcome any efforts to generally improve  
17 the Agency. Respectfully, you can't pick and choose what are  
18 model policies from the Cook County Board. They have model  
19 policies regarding employment. They have model policies  
20 regarding health and welfare, such as a survey. And you can't,  
21 in fairness, I think, pick and choose.

22                   So, you know, I don't know what your  
23 experience has been thus far. I'm the same guy always. I'm  
24 happy to welcome any meaningful, constructive participation in

1 the Agency, any added value.

2 If you choose to act as if you're outside of  
3 the Agency, go to our agencies, you're welcome to do that.  
4 But, you know, I think you can be familiar with people who  
5 throw stones and Molotov cocktails and then claim to be  
6 victims. That's not a very productive way to work with  
7 colleagues.

8 So, again, I have an open-door policy. I'm  
9 happy to communicate with you anytime. You don't have to hide  
10 behind anonymous posts. You're welcome to anytime give me a  
11 call, and I'm happy to talk to you, Todd. I don't think you've  
12 ever reached out to me since you came to the Agency. And I  
13 think we started to see these outside communications once we  
14 brought to your attention and Commissioner Wendt's attention  
15 the fact that your hire was in violation of Cook County's  
16 ethics policy regarding hiring family. Not my policy. No ill  
17 intent. I'm just trying to speak to you about what's required  
18 by the County Board.

19 So I'll leave it at that. Again, I welcome  
20 your input.

21 Commissioner Cabonargi looked like he had  
22 something to say.

23 COMMISSIONER WENDT: I have something to say. Can you  
24 please read the Q & A live questions since we're so

1 transparent?

2 CHAIRMAN ROGERS: We can get to that. I just, as the  
3 chairperson, called on Commissioner Cabonargi to comment upon  
4 what is currently on the table.

5 COMMISSIONER WENDT: Sure.

6 COMMISSIONER CABONARGI: No. Please. Please. Please.  
7 Answer Commissioner Wendt, respectfully. She asked a question.

8 CHIEF DEPUTY COMMISSIONER THIELMANN: There were  
9 questions that were presented by "Anonymous". We don't need to  
10 read them.

11 What my attempt was -- or what I wanted to  
12 showcase was the fact that public participation is not genuine.  
13 If it goes through a mediator, it is not genuine. You would  
14 not be able to do that. I think it was Commissioner Cabonargi  
15 that explained during the last meeting that, when there is  
16 public meetings, the staff would come into the hearing room;  
17 the three Commissioners would be up on the bench; and they  
18 would hold their public meeting.

19 I don't know. I wasn't here, so I can't say  
20 whether the public was invited to come to that event.

21 COMMISSIONER CABONARGI: Yes. I'm so glad you brought  
22 that up. Allow me to speak to that --

23 CHIEF DEPUTY COMMISSIONER THIELMANN: Can I finish,  
24 Commissioner Cabonargi?

1 COMMISSIONER CABONARGI: Of course. Of course.

2 CHIEF DEPUTY COMMISSIONER THIELMANN: So Commissioner  
3 Cabonargi answered my question, which is great. I mean, that's  
4 the way it should work. And I don't know what the public  
5 policy was for that public to address the Board back in those  
6 days when they were in person. But under --

7 In this virtual scenario, you have to allow  
8 the public to participate. It's statute. And to curtail it  
9 with a mediator and with questions only, that's not public  
10 participation by the standard.

11 So that's all I wanted to do was presenting  
12 those questions. They don't need to be read. It was more of a  
13 test of the system than anything. So I appreciate --

14 And, Commissioner Rogers, I will reach out.  
15 It does go both ways. And I haven't been sought out by you as  
16 well; but I will reach out to you.

17 CHAIRMAN ROGERS: I don't have anything to ask you.  
18 That's why I haven't called you. But if you have something to  
19 ask me or you have an issue that you want to raise with me,  
20 then I invite you and welcome you to get my cell phone number  
21 from Mr. O'Shields. Commissioner Wendt has it.

22 Again, I'm always happy to listen to  
23 constructive, meaningful comment from any member, be they  
24 chief of staff, analyst, or otherwise.

1 COMMISSIONER WENDT: I think that --

2 COMMISSIONER CABONARGI: Commissioner Wendt, I did want  
3 to speak to something, because Mr. Thielmann mentioned that he  
4 and -- he was not at the Board of Review. I would say --

5 I would encourage him and Commissioner Wendt  
6 to go back and read all of our Minutes for all of our meetings.  
7 If the suggestion is we're not transparent and the public  
8 doesn't have eyes in, that's obviously disproven by what we're  
9 doing here now. It's obviously disproven because we have all  
10 of our Minutes transcribed, and our Minutes provided.

11 So if Mr. Thielmann wants to answer his own  
12 question, he can. Just go back and look at any of the Minutes  
13 for any of our meetings; and what you'll see on there is the  
14 public is always given the opportunity to speak at our  
15 meetings.

16 It is much easier, in my opinion, to do these  
17 meetings live. Because, as I mentioned at the last meeting,  
18 the three Commissioners come out with the chief deputies and  
19 the staff of the Board; and it functions, luckily, also as a  
20 staff meeting, too, because we're able to speak to all of our  
21 staff at one time together -- again, safely able to be  
22 together.

23 But the public is invited to attend. Notice  
24 of our meeting is published, as required by law. It's posted,

1 as required by law. Our Agenda is posted, as required by law.  
2 Our notice provisions of 48 hours notice -- I think it's 48  
3 hours. Maybe it's 72. Whichever one it is, we follow that as  
4 well. And the public is given an opportunity to come in and  
5 speak at our regularly scheduled Board meetings. We've always  
6 followed that.

7 I find it interesting here -- and it doesn't  
8 need a response -- is that, when I gave you the floor,  
9 Commissioner Wendt to say, if there's two questions and  
10 answers, I'd like to hear them so that, again, we're having a  
11 public meeting and if the public has questions...

12 Then Mr. Thielmann said, "Nah, this -- it  
13 doesn't really matter what they were. They were just a test".  
14 We passed that test, because the Commissioners are saying, "If  
15 you have questions, public, we'd love to hear them now. Again,  
16 we are here to hear from you now".

17 So for anyone to say, "No, that was just a  
18 test", great. We passed. We're having this engagement.

19 COMMISSIONER WENDT: Well, you're both spinning it.  
20 You're both spinning it. And I think the public that's  
21 watching can see what's happening.

22 And, Commissioner Rogers, when you told Todd  
23 he can call you anytime with any issues he has, you have a  
24 chief of staff. That's his job. Todd told you already that

1 he's gone round and round with both of your chief of staffs on  
2 all of these issues; and it's all fallen on deaf ears. So  
3 there's your answer. He's not going to call you. You have a  
4 chief of staff for that.

5 CHAIRMAN ROGERS: Commissioner Wendt, again, if for  
6 whatever reason Mr. Thielmann thinks that he is not making  
7 headway on meaningful, constructive issues that are in the best  
8 interest of the Agency with my staff, I do welcome him to call  
9 me. If you don't want him to call me, you can so instruct him;  
10 but my door is open, and he's welcome to call me.

11 COMMISSIONER WENDT: He can call you anytime. But, you  
12 know, I mean, I think that's what I think William is there for.

13 COMMISSIONER CABONARGI: Can I make a motion to adjourn?

14 CHAIRMAN ROGERS: Please do.

15 COMMISSIONER CABONARGI: We're at an hour and 45.

16 So I move to adjourn the meeting of the Board,  
17 remaining in continuous session for the purpose of adjudication  
18 of appeals and other matters as required by the Illinois  
19 Property Tax Code.

20 CHAIRMAN ROGERS: Is there a second?

21 COMMISSIONER WENDT: Second.

22 CHAIRMAN ROGERS: All in favor indicate so by saying.

23 (Chorus of ayes.)

24 CHAIRMAN ROGERS: Let the record reflect that the board

1 remains in adjournment.

2 Thank you all for participating. Have a  
3 great, safe, and healthy day and week. Happy 2022.

4 COMMISSIONER WENDT: Thank you, everyone. Happy New  
5 Year.

6 (Whereupon, the above entitled matter  
7 was adjourned.)

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Devan J. Moore, being first duly sworn on  
oath, says that she is a Certified Shorthand Reporter, that she  
reported in shorthand the proceedings given at the taking of  
said hearing, and that the foregoing is a true and correct  
transcript of her shorthand notes so taken as aforesaid and  
contains all the proceedings given at said hearing.

*Devan J. Moore*

Registered Professional Reporter  
Certified Shorthand Reporter  
License No. 084-004589



This 18th day of January  
2022.

