



# REND LAKE CONSERVANCY DISTRICT

P.O. BOX 907 ■ 11231 MARCUM BRANCH ROAD ■ BENTON, ILLINOIS 62812  
TELEPHONE: (618) 439-4321 ■ FAX: (618) 439-2400

## MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE REND LAKE CONSERVANCY DISTRICT HELD January 25, 2016

The Board of Trustees of the Rend Lake Conservancy District held a regular meeting on Monday, January 25, 2016, at the Rend Lake Conservancy District Administration Office, 11231 Marcum Branch Road, Benton, Illinois. President Todd Thomas called the meeting to order at 8:30 a.m. The following attended:

**Board of Trustees:** In physical attendance: Ernest Collins, Don Lucas, James Rippy, Todd Thomas, Robert Walton, and Keith Ward; Absent: Kisha Jackson

**Staff:** Keith Thomason, General Manager; Larry Sanders, Legal Counsel/Treasurer; Michael Johnston, Comptroller; Leonard Killman, Water Plant Superintendent; and Robert Clodi, Executive Assistant

**Visitors:** None

### Minutes

Upon motion by Keith Ward and second by Don Lucas approving the minutes of the meeting of December 21, 2015 as presented, the Board voted as follows:

Ayes: Collins, Thomas, Rippy, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

### Acceptance of Check Register

Mr. Collins asked for additional information in regards to the unleaded fuel purchased from Wabash Valley citing that he knew Synenergy was awarded the bid. Mr. Thomason asked Mr. Johnston to pull the bid at intermission for further review and clarity.

Upon motion by Keith Ward and second by Todd Thomas to accept the Check Register as presented, the Board voted as follows:

Ayes: Collins, Thomas, Rippy, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

**General Manager's Report:** Mr. Thomason presented the General Manager's report covering the following items:

- Easement Clearing
- Illinois Department of Natural Resources Lake Maintenance Bill
- Improvement Efforts Toward New Standard Operation Procedures
- Valve Cycling
- Hydrant Repair and Painting
- Sewer System and Operation Improvements
- Lodge Financing and Long Term Rentals

## January 25, 2016 (continued)

Mr. Rippy stated that the water department is the only department paying administrative reimbursement costs and he feels that is the same as water funds paying recreation expenses. He asked Mr. Thomason to explain why he has changed his position on the issue of water funds supporting recreation expenses. Mr. Thomason reported that he continues to believe that all departments should pay their own costs and explained that the Recreation Department pays all of its own expenses. The General Manager went on to explain that the administrative costs of the District are paid by the General Fund. In an effort to do something positive for the public, the Board has voted to lower taxes over the years and has created a shortfall in the General Fund. However, each time the taxes are reduced the shortfall grows larger. The Board elected to cover the shortfall by taking money from revenue producing departments. When the Sewer and Recreation Departments could no longer afford to help cover the shortfall in the General Fund, the Board voted to eliminate the Sewer and Recreation Departments contribution to the General Fund.

### **Financial Report**

Mr. Johnston presented the financial report for the month of December.

Mr. Johnston reported that the Big Muddy State Prison is behind on payments in the amount of \$417,368. Mr. Lucas reported he believes that the Governor has authorized the release of certain funds for utility bills. Mr. Thomason asked Mr. Johnston to contact the warden at the prison and verify if the prison intends to pay the bill.

**Engineering projects:** Mr. Thomason gave an update on the Christopher Valve Insertion Project, Acoustic and Thermal Imaging Leak Detection, Middle Fork Big Muddy Bypass, Rapid Mix, Sanitary Sewer Smoke Testing, and Ina Pump Station Electrical Upgrade.

### **Campers and Cabins**

Mr. Thomason briefly summarized a potential project to install 4 rental campers and a demonstration rental cabin near the RLCD boat ramp. The budget and a potential partnership with a camper supplier were also discussed. Mr. Lucas expressed interest in moving forward with the construction of 2 cabins and the installation of 4 campers for rental. Mr. Ward, Mr. Thomas, and Mr. Walton expressed similar interest as well. Mr. Ward asked if a dock could be constructed at the boat ramp. Mr. Sanders reported that he has had discussions with the U.S. Army Corps of Engineers on the issue and believes that they would approve a dock to be constructed. Mr. Thomason stated that if the Board votes to move forward with the project, the revenues and expenses would be tracked to determine the profitability of the cabins and campers.

Upon motion by Don Lucas and second by Keith Ward authorizing management to negotiate a deal with the camper supplier and to construct two cabins, the Board voted as follows:

Ayes: Lucas, Thomas, Walton, Ward

Nays: Collins, Rippy,

Absent: Jackson

The President declared the motion carried.

### **Bids**

#### Security

Mr. Thomason reported that only one bid was received for security services. Members of the Board expressed interest in rebidding the service. Mr. Lucas asked if there were other avenues the District could investigate such as contracting with the Franklin County Sheriff's Department. No action was taken.

#### Emergency Tap -- Rapid Mix

Mr. Thomason reported that three quotes were received for an emergency tapping sleeve for the rapid mix project. This tapping sleeve will serve as the back-up emergency tap during the rapid mix project. The lowest quote was provided by Utility Pipe Services for \$5,135.

**January 25, 2016 (continued)**

Upon motion by Keith Ward and second by Robert Walton approving the quote to purchase an emergency tapping sleeve for \$5,135, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

12" ABB Meter

Mr. Thomason reported that Durkin Equipment, the sole supplier for ABB meters in our region, quoted a like kind replacement meter for the Marion Meter Station for \$4,400.

Upon motion by James Rippy and second by Todd Thomas approving the quote from Durkin Equipment for a 12" ABB meter for the Marion Meter Station for \$4,400, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

Pump Rotating Element – Christopher Pump Station

Mr. Thomason reported that only one bid was received to repair a rotating element for a pump at the Christopher Pump Station. Mr. Thomason explained that three firms engaged in the bidding process, two of which chose not to submit a final bid because of their limited ability to manufacture parts for the project and out sourcing costs. Flanders Electric was the only bid received for \$12,215.

Upon motion by Robert Walton and second by Keith Ward approving the bid from Flanders Electric for \$12,215, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

Hybrid Vehicle

Mr. Thomason explained that the security guards have been assigned a vehicle from the administrative office fleet which has caused a shortage of vehicles for administrative business. Mr. Thomason reported that the District has received bids from local dealers for a new plug in hybrid vehicle with prices ranging from \$29,153 to \$35,286. Mr. Ward expressed a preference to purchase a vehicle from an American manufacturer. Mr. Thomason reported that bids for Ford's C-Max and Fusion plug-in hybrids were the lowest American vehicles, but noted that the C-Max was a smaller vehicle. Mr. Rippy expressed concerns about the plug-in hybrid technology. Mr. Thomason reported the Ford Fusion hybrid was \$29,867 and noted that it was a plug-in.

Upon motion by Don Lucas and second by Keith Ward approving the purchase of the Ford Fusion plug in hybrid for \$29,867, the Board voted as follows:

Ayes: Collins, Lucas, Thomas, Walton, Ward

Nays: Rippy

Absent: Jackson

The President declared the motion carried.

**Water Main Break Damage Request**

Mr. Thomason reported that the District had a water main break in Bandyville Road. He is unsure if the water main was originally constructed under the road, noting the road may have been re-aligned. A portion of the asphalt road was dug up to make the repair and refilled with gravel. The City of Herrin repaired the road after the water main was fixed. The City has issued the District a repair bill for the labor, materials, and rental of equipment that they used to repair the road. The total repair bill was \$3,500. A discussion ensued over the nature of the bill and the expectation that RLCD would pay for

## **January 25, 2016 (continued)**

rental of equipment. Board members asked management to negotiate a reasonable bill from the City for their expense to repair the road.

### **Franklin County Conflict of Interest/RLCD Conflict of Interest**

Mr. Thomason reported that each Board member has been provided a conflict of interest form from the County and the District. Board members completed the forms and submitted them for filing.

### **Agenda Setting Procedure**

Mr. Thomason presented the current agenda setting procedure that had been approved by a previous Board vote. He provided some examples of how other Boards have managed the agenda setting process. Mr. Thomason recommended not to change the current procedure. Mr. Ward expressed his dissatisfaction that items that have been finalized by a majority vote continue to be placed on the agenda and waste the Board's time. No action was taken.

### **Jefferson County Chamber of Commerce**

Upon motion by James Rippy and second by Todd Thomas approving the membership fee of \$220, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

### **RLCD Cafeteria Plan**

Upon motion by Robert Walton and second by Don Lucas approving the Cafeteria Plan as presented, the Board voted as follows:

Ayes: Collins, Lucas, Thomas, Walton, Ward

Nays: None

Absent: Jackson

Abstain: Rippy

The President declared the motion carried.

### **RLCD Medical Expense Reimbursement Plan/Vaccination**

Mr. Thomason presented the Medical Expense Reimbursement Plan and listed the following vaccinations for Board discussion: PCV 13, Flu, Shingles, Hepatitis C, Pneumonia, HPV, and Meningitis. Also, Mr. Thomason asked if the vaccinations should be extended to immediate family members as well.

Upon motion by Robert Walton and second by James Rippy approving the medical expense reimbursement plan, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

Upon motion by Todd Thomas and second by Keith Ward approving PCV 13, Flu, Shingles, Hepatitis C and Pneumonia vaccinations for all employees as well as immediate family members, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

### **Jefferson County Referendum**

Mr. Ward expressed his dissatisfaction with Jefferson County's referendum regarding the Rend Lake Conservancy District and stated that the information that has been published is deceptive and misleading. Mr. Rippy stated that the structure of the question was derived from the Jefferson County Clerk and everyone knows that that the referendum is advisory. Mr. Sanders provided a legal opinion that the

## **January 25, 2016 (continued)**

county clerk did not structure the referendum as an advisory question. He recommended that the District not take action to file an injunction to stop the referendum but to request that the county restructure the referendum as an advisory question. Mr. Thomason recommended that the District should start reaching out and informing the public of the issues. A discussion ensued regarding the referendum, misleading publications, and the action the District should take.

Upon motion by Don Lucas and second by Keith Ward authorizing General Counsel to advise the Jefferson County Clerk on language of the referendum, the Board voted as follows:

Ayes: Lucas, Thomas, Walton, Ward

Nays: Collins, Rippy

Absent: Jackson

The President declared the motion carried.

Upon motion by Todd Thomas and second by Keith Ward approving management to inform the public of factual information, the Board voted as follows:

Ayes: Collins, Lucas, Thomas, Walton, Ward

Nays: Rippy

Absent: Jackson

The President declared the motion carried.

### **Open Meetings Act**

Mr. Rippy explained that while discussing closed session issues with another person, that person advised him that the Board members could not discuss those topics without violating the Open Meetings Act. He then filed a complaint with the State. Mr. Thomason explained that the State has determined that some of the closed meeting discussions and two of the open session votes at the September 28, 2015 meeting were noncompliant with the Open Meetings act. A review of the closed session tape indicated that Mr. Rippy started the noncompliant discussion in closed session and that management and other members of the Board engaged in the discussion with Mr. Rippy. Mr. Thomason reported the District will play the closed session audio regarding the violation today after the Board meeting and once again after the next Board meeting to comply with the recommendation from the State. One of the two noncompliant votes has already been voted on again and the other vote was to send an audit request letter that has already been sent. Mr. Thomason reported that management is taking a renewed effort to monitor meetings for Open Meetings Act compliance and cited some notable improvements that have occurred. Improvement #1: On November 23, 2015, a motion was made by Mr. Rippy for an issue not on the agenda. However, after discussion by management, Mr. Collins who seconded the motion withdrew his second and the item was placed on the agenda of the next meeting. Improvement #2: On January 11, 2016, the Jefferson County Chairman requested that 3 RLCD Board members attend a meeting to discuss RLCD financial matters. RLCD management advised the chairman and Board members that the meeting would be an Open Meetings Act violation. To the best of RLCD management's knowledge the meeting did not occur and the potential violation was avoided. Mr. Thomason relayed the State's recommendation that each Board member refresh their knowledge on the Open Meetings Act by completing the State's online training again. Mr. Thomason also advised that the Board closely adhere to the closed session agenda moving forward. Mr. Rippy and other Board members stated that they're not knowledgeable enough about the Open Meetings Act to realize when he is violating the Act. He expressed that he believes that it is the General Counsel's responsibility to advise him when his actions are a potential violation and recommend the proper action to avoid the violation.

## **January 25, 2016 (continued)**

### **Closed Session**

Upon motion by Ernest Collins and second by Robert Walton to go into Closed Session at 11:22 a.m. to consider: (1) Personnel (For the Discussion of the Appointment, Employment, Compensation, Discipline, Performance, or Dismissal); (2) Collective Negotiations (For the Discussion of Collective Negotiating Matters); (6) Sale, Purchase or Lease of Property (For the Setting of a Price for Sale, Purchase or Lease of Property); (8) Security (For discussion of security procedures); (11) Litigation (For the Discussion of Pending, Probable or Imminent); and (21) Closed Session Minutes (For the Discussion of Closed Session Minutes); the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

Upon motion by James Rippy and second by Keith Ward to come out of Closed Session at 12:17 p.m., the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson

The President declared the motion carried.

Mr. Lucas left the meeting at 12:17 p.m.

### **Mediation Agreement**

Upon motion by Robert Walton and second by Todd Thomas approving the mediation agreement and authorizing the President to attend the meeting, or the Vice President if the President is not available, the Board voted as follows:

Ayes: Collins, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson, Lucas

The President declared the motion carried.

### **Restaurant Lease**

Upon motion by Keith Ward and second by Robert Walton approving the restaurant lease agreement as amended, the Board voted as follows:

Ayes: Collins, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson, Lucas

The President declared the motion carried.

### **Shooting Complex Lease**

Upon motion by Todd Thomas and second by James Rippy approving the shooting complex lease agreement as amended, the Board voted as follows:

Ayes: Collins, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson, Lucas

The President declared the motion carried.

### **Oil Drilling**

Upon motion by Robert Walton and second by Ernest Collins authorizing management to negotiate with the oil company for restitution of surface damages, the Board voted as follows:

Ayes: Collins, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson, Lucas

The President declared the motion carried.

**January 25, 2016 (continued)**

**Closed Session Minutes**

Upon motion by Keith Ward and second by Ernest Collins approving the closed session minutes of the meeting of December 21, 2015 as presented, the Board voted as follows:

Ayes: Collins, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson, Lucas

The President declared the motion carried.

Upon motion by Keith Ward and second by Todd Thomas authorizing the audio of the first 1:17:50 of the closed session meeting of September 28, 2015 to be opened to the public by playing at the end of the current meeting and the next meeting, the Board voted as follows:

Ayes: Collins, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson, Lucas

The President declared the motion carried.

**Adjournment**


Upon motion by Keith Ward and second by Todd Thomas to adjourn the meeting at 12:31 p.m., the Board voted as follows:

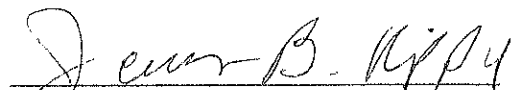
Ayes: Collins, Rippy, Thomas, Walton, Ward

Nays: None

Absent: Jackson, Lucas

The President declared the motion carried.

  
Todd Thomas, President

  
James Rippy, Secretary