Call to Order
A special meeting of the City of McHenry Ethics Commission was called to order by Brandy Quance, Ethics Advisor, at 7:00 p.m. on August 20, 2019, at the McHenry Municipal Center, 333 S Green St, McHenry, Illinois.

Roll Call
Recording Secretary Monte Johnson called the roll. Roll call: Members present: Commissioner Michael Roberts, Commissioner Richard Huber, Commissioner John Jones.

Initial Terms of Commissioners
A drawing was held to set the initial terms of the Ethics Commissioners. The results were as follows: Commissioner Roberts, 2 years; Commissioner Jones, 2 years; Commissioner Huber, 1 year.

Election of Chair
A motion was made by Commissioner Huber and seconded by Commissioner Jones to elect Dr. Michael Roberts as Chair of the Commission Roll call: Vote: 3-ayes: Commissioner Huber, Commissioner Roberts, Commissioner Jones. Motion carried.

Adoption of Rules
A motion was made by Commissioner Jones and seconded by Commissioner Huber to adopt the Ethics Commission Rules for the City of McHenry as presented. Roll call: Vote: 3-ayes: Commissioner Huber, Commissioner Roberts, Commissioner Jones. Motion carried.

Call of the Docket
Ethics Advisor Brandy Quance called the docket for Case 2019-EC-01, Christopher Schurrer v. Wayne Jett.

Preliminary Matters
Ms. Quance explained that this is a hearing of sufficiency of the complaint and probable cause to proceed. The Commission does not have the power to decide on the merits of the complaint. They can only consider if there is sufficiency of the complaint. If there is not, then the complaint is dismissed. If it is sufficient to allege a complaint violation, and there is probable cause, then the complaint is referred for prosecution. She did note that this complaint is not for a gift ban.

Hearing on Sufficiency of Complaint and Probable Cause
The complainant, Christopher Schurrer, was sworn in by Ms. Quance and stated his case. Mr. Schurrer explained that he would review the documents that were sent in with his original ethics complaint that was notarized and dated August 8, 2019. He explained there were seven different items between September 2018 and February 2019 that appear to be in violation of the Code of Ethics. The following is a summary of items discussed: September 19, 2018, a Facebook post asking for volunteers to support an Alderman for Ward 2; October 5, 2018, a message asking for support for a Recreation Center expansion; December 28, 2018, a post on a personal Facebook Page showing support for a candidate for Ward 2, when Mr. Jett later served as Chairman of the Electoral Board and Mr. Schurrer believes he should have recused himself; January 15, 2018, a Facebook post seeking support for a candidate in Ward 2; February 5, 2019, a message posting at 9:04 a.m. that “Jim Walsh signs coming soon”; February 5, 2019, an email from Mayor Jett’s City email address looking for support for an Alderman for Ward 2; February 5, 2019, an email at 5:27 p.m. with an apology for the improper use of email; February 6, 2019, a post from a Facebook account linking to a NW Herald article and again supporting a candidate for Ward 2.

Jennifer L. Johnson, Attorney for the Respondent, had follow up questions for Mr. Schurrer. She asked if they agreed on several questions, including if he is alleging only a violation of a City ordinance and not a State Statute, and that the ordinance states the violation must be intentional. He agreed to that statement. She asked if he had any evidence that this was done during compensated time, and he stated no.

Ms. Johnson stated that she would now ask Mayor Jett to testify. Wayne Jett, the respondent, was sworn in by Ms. Quance. Mr. Jett testified that he has several business ventures besides being Mayor, including four additional email accounts besides his City account. He explained that he never used City resources, money or time for any Facebook posts or for the email sent in question, which was done through Constant Contact. It was determined that Constant Contact was used to send the email. An apology was sent by Mr. Jett after learning that the City email address was attached to the Constant Contact message sent out.

The December 30, 2018, Special Meeting for the Electoral Board was discussed. The meeting was held for objections filed by Alderman Glab. Mr. Jett did not recuse himself but stated that he acted fairly and impartially.

Ms. Johnson called a witness to testify. Aaron Greve was sworn in by Ms. Quance prior to testifying. Mr. Greve stated that he is the IT Manager for the City of McHenry. Part of his duties is the oversight of the email system and he performs email searches. He testified that he did an email search of Mayor Jett’s emails and that the email in question sent on April 5, 2019, was not sent through the City of McHenry’s email servers. A report of this email search was sent to Chief of Police John Birk. That report was submitted as evidence to the Commission and to Mr. Schurrer.

Mr. Schurrer was offered a chance at rebuttal. He stated that in light of the evidence given, it looks like the email originated from a non-City site. He remains concerned that the Mayor does
not have a set schedule and can work on his own time. The general public would assume if he uses the title “Mayor of McHenry” that he would be putting himself into that position. Mr. Schurrer reiterated that he does not believe Mr. Jett was able to remain impartial at the December Electoral Board meeting when Mr. Jett posted a comment on a candidates Facebook page.

Executive Session
Ms. Quance stated that if there was no further evidence, the Commission needed to consider the sufficiency of the complaint and probable cause to consider. A motion was made by Commissioner Huber and seconded by Commissioner Jones to adjourn to executive session to consider evidence or testimony presented in open hearing to a quasi-adjudicative body (5 ILCS 120/2(c)(4)). Roll call: Vote: 3-ayes: Commissioner Huber, Commissioner Roberts, Commissioner Jones. Motion carried. The Commission adjourned to executive session at 7:49 p.m.

Ms. Quance called the regular session back to order at 8:23 p.m. A motion was made by Commissioner Roberts and seconded by Commissioner Huber to return to regular session. Roll call: Vote: 3-ayes: Commissioner Huber, Commissioner Roberts, Commissioner Jones. Motion carried. A roll call was taken to open the regular session. Roll call: Members present: Commissioner Michael Roberts, Commissioner Richard Huber, Commissioner John Jones.

Action on Sufficiency of Complaint and Probable Cause
Ms. Quance read the motions so as to be clear and concise.

As to the allegations relating to the December 30, 2018, meeting of the Electoral Board and Open Meetings act; and the February 6, 2019 Facebook post; a motion was made by Commissioner Huber and seconded by Commissioner Jones to find the complaint labeled as 2019-EC-01, not sufficient to allege a violation of the City of McHenry Code of Ethics for either prohibited activity or gift ban, and to dismiss those allegations. Roll Call: Vote: 3-ayes: Commissioner Jones, Commissioner Huber, Commissioner Roberts. Motion carried.

As to the allegations relating to the September 28, 2018, Facebook post; the October 5, 2018, Facebook post; the January 15, 2019, Facebook post; the February 5, 2019, Facebook post; and the February 5, 2019, email; a motion was made by Commissioner Jones and seconded by Commissioner Roberts to find the complaint labeled as 2019-EC-01, is sufficient to allege a violation of the City of McHenry Code of Ethics prohibited activities. Roll Call: Vote: 3-ayes: Commissioner Jones, Commissioner Huber, Commissioner Roberts. Motion carried.

As to those allegations that were found to be sufficient, the September 28, 2018, Facebook post; the October 5, 2018, Facebook post; the January 15, 2019, Facebook post; the February 5, 2019, Facebook post; and the February 5, 2019, email; a motion was made by Commissioner Roberts and seconded by Commissioner Jones to find there is no probable cause based on the evidence presented to proceed on the complaint labeled as 2019-EC-01 for prohibited political activities. Roll Call: Vote: 3-ayes: Commissioner Jones, Commissioner Huber, Commissioner Roberts.
Motion carried. Ms. Quance stated that the complaints would all be dismissed based on all allegations.

Public Comment
Art Gurda thanked the Commission for using common sense. Vernon Chiller stated that he appreciates the position of elected officials and the Mayor for all the work they do and believes that if the Mayor erred, he erred honestly, so he applauds him and thanks him.

Adjournment
A motion was made by Commissioner Huber and seconded by Commissioner Roberts to adjourn the meeting at 8:29 p.m. Roll call: Vote: 3-ayes: Commissioner Huber, Commissioner Roberts, Commissioner Jones. Motion carried.

Chairman Roberts

Recording Secretary Monte Johnson

[Signatures]