

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

MINUTES OF SEPTEMBER 8, 2015 SPECIAL MEETING

MIDEWIN NATIONAL TALLGRASS PRAIRIE, MAIN MEETING ROOM, VISITOR CENTER; 30239 SOUTH STATE ROUTE 53; WILMINGTON, IL 60481

Approved at the 168th meeting, November 13, 2015

BOARD MEMBERS PRESENT: Chair Joyce Hofmann, Vice-chair Jim Robinett Secretary Jeff Walk, Ms. Lenore Beyer-Clow, Dr. Janice Coons, Dr. Jeremie Fant, Mr. Vernon LaVia, Mr. Randy Schietzelt

BOARD MEMBERS ABSENT: Mr. Wayne Rosenthal

BOARD MEMBER VACANCIES: One

BOARD STAFF PRESENT: Ms. Anne Mankowski

OTHERS PRESENT: None

1 Call to order, welcome, introduction of Board members and staff, and introduction of audience members

Chair Hofmann called the meeting to order at 1:00 P.M., in lieu of roll call she asked Board members and staff to introduce themselves, and noted that there was a quorum. She noted there were no audience members.

2 Adoption of agenda

Secretary Walk **moved** to adopt the agenda, Mr. Robinett seconded the motion, and it was **approved** unanimously.

3 Approval of minutes from the 167th (08/14/15) meeting and minutes from the closed session of the 167th (08/14/15) meeting

Draft minutes of the 167th meeting were distributed for member review. Chair Hofmann asked if there were any changes to the draft minutes of the 167th meeting. Hearing none, she **approved** the minutes of the 167th meeting as final.

Draft minutes of the closed session of the 167th meeting were distributed for member review. Chair Hofmann asked if there were any changes to the draft minutes of the closed session of the 167th meeting. Hearing none, she **approved** the minutes of the closed session of the 167th meeting as final.

4 Review status of recent Board business and activities, including request for opinion from the Illinois Attorney General's Office and notification of termination of the ESPB/IDNR memorandum of understanding

Ms. Mankowski reviewed Board-directed business executed since the 167th meeting held 08/14/15, including the following: 08/17/15 – she mailed the ESPB letter requesting

Illinois Attorney General (IAG) opinion to clarify ESPB/IDNR authorities under the Illinois Endangered Species Protection Act, which according to IAG process prescribing requests be routed through the Governor's Office, was sent to general counsel at the Governor's Office; 08/18/15 – she sent email notification for the termination of ESPB/IDNR MOU to IDNR Director Rosenthal; and, 08/31/15 – ESPB Chair, Dr. Hofmann, sent via email a letter to IDNR Director Rosenthal for payroll effectuation of Board-approved corrections to Ms. Mankowski's salary.

5 Review IDNR letter attempting to terminate employment of the ESPB's Executive Director and Board notification to IDNR that it lacks authority for such action, and discuss alternatives and approve additional Board response and actions on the matter
Ms. Mankowski and Chair Hofmann reviewed that Ms. Mankowski had received from IDNR a letter dated 08/26/15 attempting to terminate Ms. Mankowski's employment and that the letter was not copied to any Board member. Chair Hofmann reviewed that she sent on 08/31/15 email to IDNR Human Resources Director, Michele Cusumano, indicating that the Board does not recognize the IDNR's authority to take such action and asking for explanation from the IDNR.

Chair Hofmann reviewed that she and Ms. Mankowski then communicated with voting members about the situation and voting members called for the current special meeting to discuss the matter and possible Board actions in response. Chair Hofmann stated that no explanation from the IDNR had been received by any Board member as of the current special meeting, being held 09/08/15.

The Board discussed possible responses and actions on the matter. Board members reviewed a draft resolution to confirm Ms. Mankowski's employment status with the Board. Secretary Walk **moved** to approve the resolution, Ms. Beyer-Clow seconded the motion, and it was **approved** unanimously (Attachment 1).

The Board then discussed the need to amend and resend the request for opinion letter to the IAG to include explanation of recent events as possible outright violation of the Board's authority by the IDNR and as further evidence of the need for clarification of ESPB/IDNR authorities. It was agreed that Ms. Mankowski and Chair Hofmann work with the volunteer attorney to amend the letter as appropriate and resend it. Mr. LaVia **moved** to approve to agreed-upon action, Vice-chari Robinett seconded the motion, and it was **approved** unanimously. Ms. Beyer-Clow **moved** to approve the agreed-upon action, Secretary Walk seconded the motion, and it was **approved** unanimously.

6 Review of Board operational needs and functions

The Board agreed to not review operational needs and functions at this time, noting that Ms. Mankowski was already planning to address these matters at the Board's 168th meeting, to be held November 13, 2015, and the 169th meeting, to be held in February 2016.

7 Public comment period (3 minutes per person)

There were no public comments.

8 Closed session (personnel matters – Open Meetings Act exception 2(c)(1))
The Board agreed there was no need to go to closed session.

9 Any actions resulting from the closed session
Not applicable.

10 Adjournment
Chair Hofmann asked if there was any other business and noting none, **adjourned** the meeting at 2:40 P.M.

Resolution 157.5-5

Illinois Endangered Species Protection Board
September 8, 2015

WHEREAS, under the Illinois Endangered Species Protection Act (Act) the Illinois Endangered Species Protection Board (Board) has the sole authority to employ and fix the compensation of its necessary staff (520 ILCS 10/6); and,

WHEREAS, the Illinois Department of Natural Resources (Department) does not have the authority to determine the terms of Board staff employment, including retention; and

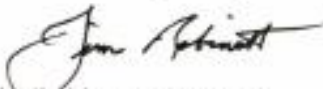
WHEREAS, the Department attempted on August 26, 2015 to terminate the employment of the Board's Executive Director, Anne Mankowski;

NOW THEREFORE, the Illinois Endangered Species Protection Board confirms the employment and status of Ms. Mankowski as the Board's Executive Director, with respective salary and benefits maintained, and directs Ms. Mankowski to continue her normal duties and work schedule now and until a time when the Board determines otherwise. The Board further directs that, upon its passage, a copy of this resolution shall be transmitted to Ms. Mankowski, Illinois Department of Natural Resources Director, Wayne Rosenthal, Illinois Department of Natural Resources Human Resources Director, Michele Cusumano, and placed in the Board's personnel file.

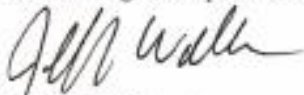
Passed and approved by the Illinois Endangered Species Protection Board this 8th day of September, 2015.



Dr. Joyce Hofmann, Chair
Illinois Endangered Species Protection Board



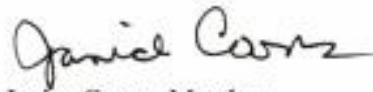
Jim Robinett, Vice-chair
Illinois Endangered Species Protection Board



Dr. Jeff Walk, Secretary
Illinois Endangered Species Protection Board



Lenore Beyer-Clow, Member
Illinois Endangered Species Protection Board



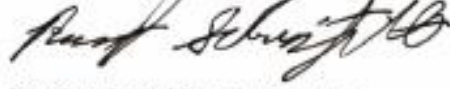
Dr. Janice Coons, Member
Illinois Endangered Species Protection Board



Dr. Jeremie Fant, Member
Illinois Endangered Species Protection Board



Mr. Vernon LaVia, Member
Illinois Endangered Species Protection Board



Mr. Randy Schietzelt, Member
Illinois Endangered Species Protection Board