



MINUTES

President and Board of Trustees
Village of Arlington Heights
Committee-of-the-Whole
Community Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
August 27, 2018
7:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

President Hayes said the following Trustees were present: Sidor, Baldino, LaBedz, Glasgow, Tinaglia, Rosenberg, Scaletta and Blackwood.

Also present were: Randy Recklaus, Tom Kuehne, Robin Ward, Ernie Blomquist, Gerald Mourning, Ray Finnerty and Becky Hume.

IV. NEW BUSINESS

A. Proposed Code Amendment for Truancy

Mr. Recklaus said staff proposed a truancy ordinance on July 16. At that meeting, the Board raised some questions on how the School District policies work. Staff has done research since that meeting. All four superintendents of the local school districts have said they support this measure. The proposed ordinance would be used a last resort. The Police Department works with the family to try and get the child to attend school. Once a citation is issued, any fine or penalty would be assigned by the judge, not by the Village. Since 2015, the Village has issued 40 citations for truancy, but there is no recourse when parents are facilitating the absence of the child from school. There are approximately 13 instances in the past few years where parents could have been cited. This is to be used in concert with the school districts and targets adults who is inducing a child to stay home from school.

Trustee LaBedz asked for the definition of "any person". Mr. Recklaus said sometimes the adult is not a parent, but a grandparent, or someone who is

responsible for the child.

Trustee Blackwood asked about homeless children. A homeless child could be in the Village. Marni Johnson, Assistant Superintendent from District 214, said staff would be working with that student to find shelter and placement. At some point, they would be under the guidance of an adult and they would be working with that adult. There would not be any situations where there would be a teen overseeing a younger student. There would be other agencies involved.

Trustee Glasgow identified his problems with the issues with the Village's jurisdiction on student fines and the societal impact of ordinance. He asked Ernie Blomquist, the Village's Prosecutor about his work load and what the potential impact could be.

Mr. Blomquist summarized his case load. He said the problem with truancy cases, is that the forum is faulty. There is no dignity to the problem in traffic court, where truancy cases are heard. Mr. Blomquist said the schools take it as far as they can, it's the least effective thing he does as a prosecutor. There can be gang intimidation, language barriers, sex abuse in the home, learning disabilities where the kids don't feel like they can catch up, the societal issues are enormous. He said the final goal that you are trying to meet is not necessarily achieved by the court system.

Trustee Glasgow expressed concern that these families have mental health issues. The court system isn't set up to help with mental health issues. He said parents are often not in contact with the child because of work commitments. Trustee Glasgow worried that this would be over legislation.

Police Officer Ray Finnerty, who was assigned to the Forest View alternative school, said he has written a dozen tickets to children for truancy. These kids all have 504 IEP's, mental health and behavioral issues given the mission of Forest View's alternative school.

Trustee Glasgow said schools are better at managing this. Punishing the parents seems unjust and inappropriate. This ends up being a disciplinary fine, which is prohibited by State law. He didn't think it was right to circumvent that by imposing a fine on the parents. Trustee Glasgow asked if this needed to be on the books.

Mr. Blomquist said if the Village is going to do something, it should be done as thoughtfully as possible. There has to be a place to be heard with dignity and finality. Mr. Blomquist said we are talking about a crisis kid, it's a noble step, but needs to be realistic, timely and in the right place.

Mr. Recklaus said the Village is blessed to have well equipped schools and Police Department. The enforcement of this ordinance would only occur once the entire gamut of school district resources have been exhausted. It is rare that the Police Department has to be involved. He said this is meant to ensure that we doing all we can to keep every child in school. A ticket isn't

written just because there is a communication breakdown. The Village attorneys, school district attorneys and the superintendents for each of the community's four school districts have reviewed the proposed ordinance and indicated their support, as did the legal department for the Illinois School Board Association. Any fine or community service assignment is up to the judge.

Chief Mourning said they do not use the peer jury very much because of privacy issues.

Trustee Glasgow suggested an administrative hearing at Village Hall.

President Hayes said that the matter in question tonight is whether or not we should add a provision for the Village to cite parents. The Board is not here to talk about the larger issue of if the court system is the right venue to deal with truants.

Mr. Recklaus said this was brought forward to give the police another tool. President Hayes said this came from a request from the Police Department which is supported by the School Districts to be able to cite the parents.

Trustee Tinaglia summarized that the school districts are actively involved, but are limited. The police try to do what they can and the most they can do is issue a citation to a student. They are asking us to give the police one more tool to allow the parents to be cited. Officers can tell the students that their parents are going to get a fine if they don't behave. It doesn't automatically mean the ticket is written, it gives the officer leverage and, until they have this leverage, they might not get any traction. They are at the point where they do not know what else to do.

Mr. Recklaus said often times children do return to school after interaction with the schools or police department. Writing a citation to a parent would be the last resort. Trustee Tinaglia said he knows this won't be used haphazardly. If someone threatened to fine his parents when he was a teenager, the sky would fall. There are too many times when people dump off responsibility. Some parents need to step up. If this gives the police and schools a little help, he is in favor of it.

Trustee Baldino said he understands this is a multi-step process. He said he assumes the parents get involved at some point already. What is the root cause of parents not stepping up in the past?

Dr. Bein indicated that in recent cases mental health or irrational judgement is typically the issue when the parent is keeping the child home.

Trustee Sidor asked if the approach with a parent who has mental health issue is different than when a parent is keeping a student home from school on purpose. Lori Bein, Superintendent of District 25, said these parents keep children home without a logical reason. They have already supplied every wrap around service and the parent finds excuses to keep the child home.

Trustee Baldino asked what the root cause is. Dr. Bein said the parent doesn't make logical sense, and this citation might push the parent to get the step to help them move forward. She said they need one more last resort way to try to get them to get their child to school.

Mr. Recklaus said the goal is to do everything we can to get the children to school. In these circumstances, the tools are inadequate. If we don't go to court, we give up, there are no other tools. The school district doesn't have anything else to use either.

Trustee Baldino said he did not want to see any child left behind, but wasn't convinced this is the correct tool.

Trustee Scaletta asked what would be the appropriate venue. He feared going to the courthouse might cause someone who is not thinking rationally to take other steps. He worried the child could be beaten and was fearful of the unintended consequences. He said he struggled with truancy becoming criminal behavior by the parents. He also had concerns with how this is adjudicated. Ms. Ward suggested the Adjudication Hearing process could be used. It is more private and less intense. The citations are not criminal. Trustee Scaletta asked for clarity on jurisdiction.

Mr. Recklaus said if a school building where the child goes to school is located in the Village, the Arlington Heights Police have jurisdiction over the truant students regardless of where they live. So tickets could be written to parents in other towns.

Trustee Scaletta questioned the "any person" language. Shouldn't it be parent or legal guardian? Ms. Ward said it could be a gang member preventing the child from going to school, or the child could be living with an aunt or uncle. It is intended to target the adult in charge of the child.

Trustee Sidor said he is not a yes on this. The child might have fear or shame in a courtroom. If the parent isn't making sense emotionally and logically, he wondered about their mental health. We can't diagnose that. There might be something underlying that we don't know about. There are too many questions right now. He asked for the Board to look at the bigger picture sometime. He asked how many repeat offenders there were.

Officer Ray Finnerty said his experience is that tickets work, and he's written a dozen of them. There are a myriad of issues: mental health, gang membership, and severe anxiety. He explained how the process works. The officer goes to their house and tells them if they don't start coming, the officer will issue a citation. Taxis are sent if necessary and we try to take away any barriers. If a citation is issued, he negotiates with them to start a few days a week, if they make progress, he asks for a continuance. He tells the parents, if their child comes to school, he can make the citation go away. Using this tool, they have had only one re-offender.

Trustee Tinaglia said a citation of a student happens after a lot of work. What is being discussed tonight the ability to issue a citation to a parent. He said the hope is that telling a youngster, 'I have to give your parents a ticket', is the leverage the kid needs to turn things around. The process is not changing at all. It's just one extra step.

Trustee Sidor said it we are opening another level of what happens behind closed doors. He said he saw it as unnecessary.

Trustee Rosenberg asked if this was in conflict with State law. Ms. Ward said we can't fine a student, but can fine a parent. Judges assess fines. She said the Village could issue a ticket for adjudication versus court. Trustee Rosenberg asked if the hearing officer can provide the necessary direction to the student/parents. Ms. Ward said the hearing officer issues orders just like a judge and has the authority the Board gives them. Adjudication has the same authority, but the feel of the hearing isn't the same as a courtroom. Trustee Rosenberg asked if noncompliance with a hearing officer was criminal in nature. Ms. Ward said no. Mr. Blomquist said there is no way to direct this to Juvenile Court. Trustee Rosenberg said Adjudication seems the better option and if the Police say they need this, he did not have an objection.

Trustee Blackwood agreed that the Adjudication process was a good interim step.

Trustee LaBedz said Adjudication seems to make sense. To not be able to cite the person in control of the child doesn't make sense.

Trustee Glasgow said school systems have incredible wrap around systems and the Village's Police Chief has focused training officers on mental health and the only thing we can do is to cite the parents? He said it seemed incongruent. He said the Village would be better suited to handle this than the court system. He noted Mr. Blomquist is being honored in a ceremony by Chicago Kent College of Law with a Lifetime Achievement Award on November 14th.

President Hayes asked if Adjudication were the preferred hearing location, would the ordinance language need to change. Ms. Ward said no, it would be handled internally by staff and was a matter of clarifying which kind of ticket would be issued. A hearing officer can assign community service just like a judge.

Dr. Bein said District 25 is asking for help with 10 year olds and 7 year olds. It's not a black and white issue. They are already providing excellent resources, providing every possible tool to help these families get their children in school. With all of these resources and attempts, they still need one more tool to try and get these families to send their children to school, the children are stuck. She said they don't take this lightly. They are asking for help.

Resident Melissa Cayer asked if there are cameras in the US Supreme Court. The answer was no, there is audio only. Those are the rules of the court.

Trustee Scaletta asked where fines were identified. Ms. Ward said the range is between \$5 and \$750. The Village would never fine higher than \$750. The Hearing officer would assess the fine. Ms. Ward said officers have discretion to issue a citation that goes to the County Court system unless the Board directs them otherwise.

Trustee Tinaglia moved, seconded by Trustee Blackwood, that the Committee of the Whole recommend to the Village Board, adoption of the proposed amendments to section 8-524 of the Arlington Heights Municipal Code. Citations issued pursuant to 8-524 shall be administered through the Village's Administrative Adjudication Process.

Ayes: LaBedz, Glasgow, Tinaglia, Rosenberg, Scaletta, Blackwood, Hayes
Nays: Sidor, Baldino
The motion passed.

B. Review of Metropolis Theater Governance

Mr. Recklaus said in reviewing the effectiveness of the PAM/Village Governance Agreement after three years of the new PAM Board configuration, a couple of issues were identified during a meeting which included him, Mayor Hayes, PAM Board President Daday and Executive Director Keefe. The first was to increase the PAM Board size to nine. The current Board has seven members, and three are appointed by the Mayor. The remaining four are appointed by the PAM Board. The team is recommending an increase to nine people to allow for more Board member committee work and to enable more involvement. One new member would be appointed by the Village and the other would be appointed by the PAM Board.

Mr. Daday said the PAM Board could use expertise in areas like social media and HR and this would be a good change.

Trustee Tinaglia asked why one new member would be appointed by PAM and one by the Village. Mr. Daday said for balance.

Trustee Scaletta said the Board was very large before the current configuration was designed. It made sense to make it smaller then and it makes sense to increase the size now. Trying to get expertise in different fields is a good idea.

Mr. Daday said it would also expand their financial base.

The Board agreed this was a good change.

Mr. Recklaus said the second issue was to allow PAM Board members appointed by the Mayor to live outside Arlington Heights. There are times when strict residency rules may eliminate potential board members who have experience in the theater business. Staff is recommending that the practice be that PAM Board members must have an "appropriate affiliation" with the theater. Mr. Recklaus said there is no need to change the agreement, but this would be a practice change.

Trustee Glasgow said he had no objections, but would like it to be limited. One of the benefits of structuring it this way is that no less than two can be from outside of the Village.

Trustee Scaletta said the Economic Alliance shows this that can work as affiliation can mean being employed by a business in the Village. It is nice to have some flexibility when you are looking for certain skill sets.

The Board agreed to this change.

Mr. Recklaus said the third proposal was to mirror financial approvals with what the Village uses internally. This would allow un-budgeted items under the Village staff spending limit of \$25,000 to be paid for out of the Restricted Contribution Reserve Fund with administrative approval by the Village Manager and the Finance Director.

Trustee Scaletta said he preferred it to stay the way it is. It is important that the Board oversee Metropolis' spending of tax dollars. When it comes to restricted accounts, it's done so for a reason.

Trustee Sidor agreed with Trustee Scaletta. He asked if Metropolis was putting money away in their own reserve fund. Mr. Daday said they save money, but it is not in a restricted fund. They do have money in an account and they put money aside as best they can.

Mr. Kuehne said Metropolis still has a negative cash balance. When the Village prefunded, it was to pay down some accounts payables that had grown over the years. The goal is that they save money down the road. Mr. Daday said they have \$50,000 in a money market fund.

Trustee Glasgow said he concurred with Trustees Sidor and Scaletta. He said he wanted a process in place for future management and Boards, he did not have concern about the current leadership.

Trustee Scaletta asked about the timing of the fund distribution. Mr. Daday said they would like a quarterly distribution versus twice a year.

Mr. Kuehne said a quarterly distribution can happen. He will update this on the agreement before it comes back to the Board.

President Hayes said he was okay with proposed change because Metropolis has employed fiscal prudence in the past three years. It would make sense

for these funds to mirror Village practice and he trusted Mr. Kuehne and Mr. Recklaus in their approvals. However, he was okay with the will of the Board.

Trustee Tinaglia said \$25,000 is a lot, is there a smaller number that would make things easier? Mr. Kuehne said no. He explained the restricted fund and that the Village has responsibility to replace or fix a capital item. The up-to \$25,000 amount could be used for a large HVAC expense which the Village Manager would approve. If it is a \$5,000 maintenance fee, it doesn't make sense. Trustee Tinaglia said he would defer to the will of the Board.

Trustee Rosenberg said typical repairs are in the Metropolis budget. He asked if there was much use of the Restricted Contribution Reserve Fund. Mr. Kuehne said the intent of this fund was to allow Metropolis have a working cash balance. The Reserve Contribution Fund is for emergencies or unusual operating expenses. It works just like the Village's reserve funds, they are used for an unexpected extraordinary expense.

Mr. Daday said part of the issue is the interplay in who owns what. That is the gray area. If this is in the nature of a capital replacement that is what it would be used for. The checks and balances are using your procedures. The new seating was from the Reserve for Replacement Fund.

The Board reached consensus in staying with the status quo on the spending limit procedures. Disbursements to Pam will occur quarterly. Staff will clarify the definitions of the two Reserve funds, with no changes to their intent. The number of PAM Board members will increase to nine, with one of these two new members to be appointed by the Mayor. No more than two Village appointees to the PAM can be from outside of the Village.

Trustee Scaletta asked if the members of PAM Board not appointed by Mayor can be from outside of the Village. Mr. Daday said yes.

Trustee Scaletta moved, seconded by Trustee Rosenberg, that the Committee of the Whole recommend to the Village Board to direct staff to update the PAM Governance agreement to reflect discussed changes to the PAM Board regarding size of the PAM Board and funding. The motion carried.

V. OTHER BUSINESS

VI. ADJOURNMENT

Trustee Baldino moved to adjourn at 9:20 p.m. Trustee Scaletta seconded the motion. The motion carried.