

SPECIAL MEETING
MEETING MINUTES – BOARD OF TRUSTEES
NUNDA TOWNSHIP

STATE OF ILLINOIS }
McHenry County } SS.
Township of Nunda }

The Board of Trustees met for a special meeting at the Nunda Township Town Hall, 3510 Bay Road, Crystal Lake, Illinois, on Thursday April 11, 2024 at 7:00 p.m.

The meeting was called to order at 7:00 p.m.

Township Clerk Smith recorded the following official business

The Pledge of allegiance was recited at 7:00 p.m.

Roll call answered by: Trustee: Karen Tynis; Trustee: Rob Parrish, Trustee: Johanna Donahue, Trustee: Tim Parrish and Supervisor Leda Bobera-Drain. Also present: Township Attorney: Scott Puma. Attorney Brandy Quance of ZRFM Law, Attorney James Kelly of Franks, Kelly, Matuszewich.

Public Comments – Brandy Quance of ZRFM Law explained her opinion regarding Agenda item number 6; Motion to direct supervisor to pay the ZRFM bill approved at the March board meeting and Agenda item number 7; Motion to assert any available exemptions including attorney client privilege under FOIA act. Ms. Quance explained ZRFM firm represents Nunda Township in a matter that cannot be disclosed and is standing by their Attorney/Client privilege to the majority of the board. Ms. Quance encouraged the board to keep the Attorney/Client privilege with the majority of the Board.

Motion made for Road District Warrant for approval for payment for April 11, 2024 in the amount of \$34,000.00: Made by: Karen Tynis; Second by: Tim Parrish. Discussion followed. Roll Call: Johanna Donahue (Abstained), Karen Tynis (Yes), Tim Parrish (Yes), Rob Parrish (Yes), Leda Bobera-Drain (Yes). Motion carries.

Motion to direct supervisor to pay the ZRFM bill approved at the March board meeting: Made by: Johanna Donahue; Second by: Tim Parrish. Discussion followed. Motion not voted on.

Township Attorney Scott Puma explained the Supervisor is within her rights not to pay a bill for work that was initiated prior to the law firm being retained. There is no letter of Engagement, No letter of scope of work to be performed no work product provided to the entire Township board. The Zukowski firm was retained on December 28th the statement made was that the work would come back to the entire board, nothing has been provided to the entire board. The invoice received from ZRFM and approved by the majority of the board was prior to ZRFM being retained. Mr. Puma asked each board member individually if they had any work product from the ZRFM Law firm; All five board members stated No, Mr. Puma added it is impossible to pay a bill with no work product provided and to send a bill to somebody for work before they were retained is unethical and inappropriate.

Township Attorney Scott Puma inquired to Attorney Quance of ZRFM as to who authorized the firm to consult with the County and where is the Engagement Agreement and work agreement on the bill? Attorney Puma requested an executive meeting to be set for the purpose of ZRFM Law firm to provide information to the entire board and the request was declined by Attorney Dave McArdle.

Township Attorney Scott Puma posed the question to Attorney Quance as to who their client is and reminded Attorney Quance and the Board of Trustees that all five trustees of the board and the tax payors of Nunda Township would be their client not only three board members who make up the majority of the board.

Township Attorney Scott Puma explained the laws governing FOIA and the duties of a FOIA officer and the negative effects of both ZRFM law firm and the majority of the board refusing to divulge the information requested in the FOIA request has a negative impact on the FOIA officer in charge of responding to the FOIA request.

Township Attorney Scott Puma explained to the board the point of the ZRFM Law firm invoice is considered an Improper invoice for the Township as there is no work product disclosed to the entire Board and tax payors of Nunda Township.

Trustee Tynis explained that both she and Supervisor Bobera-Drain voted no to hire outside counsel and asked that the board turn their concerns over to the States Attorney's office to save additional legal fees.

Trustee Rob Parrish stated he had spoken to the States Attorney and was told to gather the information and he would review it and he was also told by the States Attorney not to give the information out to anyone else.

Trustee Rob Parrish made an amended motion to pay the portion of the ZRFM Warrant for approval for payment for the amount billed starting from the 15th: Made by: Rob Parrish; Second by: Johanna Donahue. Discussion followed. Roll Call: Johanna Donahue (Yes), Karen Tynis (No), Tim Parrish (Yes), Rob Parrish (Yes), Leda Bobera-Drain (No). Motion carries.

Motion to assert any available exemptions including attorney client privilege under the FOI act: Made by: Johanna Donahue; Second by: Tim Parrish. Discussion followed. Not voted on.

Township Attorney Scott Puma explained you can not assert Attorney Client privilege over documents the Board does not have. To have a privilege over a document, there has to be a document.

Motion to Adjourn made by: Rob Parrish; Seconded by: Karen Tynis. Voice Vote: All Ayes. Motion carries.

Adjourned at: 7:46 p.m.

Respectfully submitted,
Joni Smith
Nunda Township Clerk