

From: Chadwick, Gregg <Gregg.Chadwick@heartland.edu>

Sent: Wednesday, February 11, 2015 10:40 AM

To: John Kraft

Cc: Drew, James R; Copes, Jac; Gibb, Donald G; Kyle Walsh; jflessner@beneplanning.com; Ropp, Rebecca L; local99@uacote.com

Subject: RE: Heartland Community College Board of Trustees

John:

I disagree with your interpretation of what constitutes compensation. My position -- that the chocolates were a gift and do not fit the definition of compensation -- is unchanged. I don't believe that any further email exchange will alter either of our positions on this topic.

Your suggestion regarding expenses incurred when the attendance of a trustee's spouse is required is being reviewed and I expect we will eventually remove this from board policy.

As I explained in my previous email, we are reviewing the board's policy regarding public comment to ensure that our guidelines encourage public discourse as much as is reasonably possible.

Sincerely,

Gregg Chadwick
Chair, Board of Trustees
[Heartland Community College](http://www.heartlandcommunitycollege.edu)

To: Chadwick, Gregg <Gregg.Chadwick@heartland.edu>;
Cc: Drew, James R <James.Drew@heartland.edu>; Copes, Jac
<Jac.Copes@heartland.edu>; Gibb, Donald G <Donald.Gibb@heartland.edu>;
Kyle Walsh <kw Walsh02@my.heartland.edu>; jflessner@beneplanning.com;
Ropp, Rebecca L <Rebecca.Ropp@heartland.edu>; local99@uacote.com;
You forwarded this message on 2/5/2015 8:59 PM.
Mr. Chadwick,

I am disappointed that you have taken the stance that gifts to trustees are not considered compensation, especially when the Community College Act clearly defines the word "*compensation*." If you are looking to define "*consideration for services offered*" you need to ask yourself only one question: Would the College give a box of chocolates to these same individuals if they were not board members? I think you know the answer to that question.

Below, I will attempt to restate what my original letter stated, and again ask the trustees to pay back to the people of the Heartland Community College District the cost of these gifts.

"I do not believe this gift meets the generally understood meaning of the word compensation. In my view, a gift of chocolates is in the nature of a gesture of appreciation, not an award of material value in consideration for services offered. I note that Trustees may have occasionally received mugs or pens, for example, affixed with the HCC logo, that had been used for various College promotions. As in the case of the chocolates, these "gifts" cannot reasonably be construed as compensation."

The Community College Act specifically defines "compensation" so as not to misinterpret the generally understood meaning of the word. "Compensation" is defined in the Act as "any salary or other benefits not expressly authorized by this Act to be provided or paid to, for or on behalf of members of the board."

The chocolates ("gifts") provided to the board members, no matter the reason, are considered "compensation" according to the definition provided in the Act.

- Gifts are not reasonable expenses incurred in connection with their service as members.
- Gifts are not expressly authorized anywhere in the Act.
- They are "other benefits", unlike promotional items typically provided to the general public.

-Article VIII, Section 1, Illinois Constitution specifically states that public funds, property, or credit shall be used only for public purposes. Gifts given to board members serves no public purpose for any reason, especially when it also violates the Community College Act.

Please cite, from the Act, where it expressly authorizes gifts, paid for with College funds, to be provided to board members.

The material value to each board member for these gifts is \$11.59.

Regarding Board Policy 2.6, no change in our policy appears necessary. If the attendance of a board member's spouse were required, reimbursement would be permissible under your logic.

You must have misunderstood what I was attempting to convey. My logic is that there is no instance where reimbursement for a spouse or guest of a board member is authorized. It would be considered "compensation" and therefore violate the Community College Act. Does the Act expressly authorize reimbursement for guest or spouse of board members? Additionally, there is no instance, ever, of where a board member would or could be mandated to attending anything with a spouse or guest. Why have the Policy if there is no justification for it? It simply makes people think this type of reimbursement has happened in the past and will happen in the future.

"Regarding Board Policy 2.2.11, I am requesting that College staff review our guidelines to make sure they are consistent with the Illinois Open Meeting Act, and to make sure our guidelines encourage public discourse as much as is reasonably possible. I would like to point out that during my nearly 13-year tenure on the Heartland board of trustees, I cannot recall an instance when someone seeking to make a public comment was denied the opportunity, even if the request to speak came immediately before the board meeting."

I appreciate the fact that no person has been denied the opportunity to speak to the board. However, by having this policy, a person could refrain from attending a meeting if they read the policy and applied it the way it is written. How many students, faculty, or staff decided not to speak because they were required to go through the President's office first? How many people decided they wanted to speak only 2 days prior to a meeting, read your policy, and decided not to attend thinking they could not speak to the board? Those are the people this policy affects, and those are the numbers you are not aware of.

Thanks,
John Kraft
Chadwick, Gregg <Gregg.Chadwick@heartland.edu>
Thu 2/5/2015 3:01 PM
To: John Kraft;
Cc: Drew, James R <James.Drew@heartland.edu>; Copes, Jac <Jac.Copes@heartland.edu>; Gibb, Donald G <Donald.Gibb@heartland.edu>; Kyle Walsh <kwalsh02@my.heartland.edu>; jflessner@beneplanning.com; Ropp, Rebecca L <Rebecca.Ropp@heartland.edu>; local99@uacote.com;
You replied on 2/5/2015 8:58 PM.

Dear John:

Thank you again for your recent inquiry regarding trustee compensation and public comment at board meetings. I am writing today to provide a more-detailed response to the questions you posed in your letter.

Regarding the gift of chocolates made to the board of trustees at the December meeting, I do not believe this gift meets the generally understood meaning of the word compensation. In my view, a gift of chocolates is in the nature of a gesture of appreciation, not an award of material value in consideration for services offered. I note that Trustees may have occasionally received mugs or pens, for example, affixed with the HCC logo, that had been used for various College promotions. As in the case of the chocolates, these "gifts" cannot reasonably be construed as compensation. Please note that each trustee files an annual statement of economic interest with the McLean

County Clerk, which requires disclosing gifts valued singly or in the aggregate in excess of \$500.

Regarding Board Policy 2.6, no change in our policy appears necessary. If the attendance of a board member's spouse were required, reimbursement would be permissible under your logic.

Regarding Board Policy 2.2.11, I am requesting that College staff review our guidelines to make sure they are consistent with the Illinois Open Meeting Act, and to make sure our guidelines encourage public discourse as much as is reasonably possible. I would like to point out that during my nearly 13-year tenure on the Heartland board of trustees, I cannot recall an instance when someone seeking to make a public comment was denied the opportunity, even if the request to speak came immediately before the board meeting.

Thank you again for your interest in the workings of the Heartland Community College Board of Trustees.

Sincerely,

Gregg Chadwick
Chair, Board of Trustees
[Heartland Community College](#)

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