

I am Lisa Swenny, AFSCME Local 3323 President. I want to speak tonight regarding our lawsuit against the County of Shelby and the Shelby County Treasurer. And, reveal some information and truths that otherwise would not be made public.

Many times, our lawsuit has been referred to as “frivolous”. We prefer the word "necessary". It is a necessary lawsuit because treasurer, Erica Firnhaber, is breaking labor law. How many times have we heard that county officials that break the law need to be held accountable? That is what we are trying to do. Her reasons for refusing to sign the contract were the Highway Department clothing allowance was an issue and that has been resolved through a memorandum of understanding. Second was that other department heads did not sign past collective bargaining agreements. Those department heads were not listed on the contract requiring a signature. And third, she was not allowed to participate in negotiations. That is not true. Of all the department heads, she was the only one that had a chance to be involved with union. She had the opportunity to communicate her concerns, cooperatively discuss and solve problems of mutual concern through Article XXII, Section 4 in our contract. This article calls for quarterly Labor-Management meetings and she was designated the party representative for the employer. At our July 7, 2020 Labor-Management meeting, she asked me to immediately call on her so she could announce she no longer wanted to serve on this committee. It is documented in the minutes she stated “She feels it is the board’s responsibility to set policy” and she left the meeting. Her statement completely contradicts her attorney, Christopher Koester’s legal opinion that “the County Board does not employ the county treasurer.” He believes that the powers, duties and functions of his client are derived from statute rather than the board. Which is it...I guess it depends on how the situation best fits her needs at any certain time. Let me remind you that all other county officials that had been accused of breaking the law, have yet to have a lawsuit filed against them. Where are all the Edgar County Watchdog articles, WAND Investigates broadcasts, Facebook posts, or derogatory comments that other county officials and board members have had to endure? Where is all the transparency and fiscal responsibility now? All this could easily end if the treasurer would just sign the contract.

At the January 12th county board meeting, an agreement proposal was presented to the board by Chairman Bobby Orman. He read the agreement word-for-word, which took over a minute. He initiated the first motion to pass and Jeremy Williams seconded the motion. He asked for discussion on the item and no one said anything, not the treasurer or her attorney. The motion passed with no amendments and all AYE’s from each board member. The proposed settlement agreement presented and passed was not the copy drafted by AFSCME’s attorney, which had already been presented to Attorney Koester. The attorney representing AFSCME in this lawsuit was not even privy to the proposed agreement before it was presented and passed. He is unsure who even drafted it. And, he still has not been provided a copy through Attorney Koester. All communication efforts to from our attorney to Christopher Koester are being ignored. However, plenty of communication is happening between Chairman Orman and attorney Koester. Through my FOIA request to the County Clerk, I obtained an invoice from Taylor Law Office detailing the services provided. It states that on January 13th, the day after the county board meeting, Christopher Koester communicated with Mr. Orman regarding the execution of the agreement and he would draft an e-mail to opposing counsel regarding the same. The logical process would be both attorneys agree on the language to be on the proposal agreement before presenting it to the board, as to not waste your time and county money. Here we are again with another document that our attorney has not had seen. Why is AFSCME's attorney being ignored in this process and why all the secrecy?

I also submitted a FOIA request to Chairman Orman and the response was returned by Taylor Law. It stated that it was their understanding that I was aware Chairman Orman mistakenly referred to and read off an incorrect draft proposed settlement agreement. I was not made aware of such and have found no evidence of a mistake. He has never advised me, either written or verbally, of any such mistake. Nor did he contact the County Clerk to make her aware of a mistake. The FOIA to Chairman Orman did not produce any correspondence or documentation indicating a mistake. Instead, his only communication the day after the board meeting was to Attorney Koester at Taylor Law. I don’t believe this was a mistake. Let me remind you that Attorney Koester nor the treasurer spoke up at the county board meeting to indicate that the wrong agreement was read and passed. As AFSCME Local 3323 president, I can assure you that union members will only agree to a proposal agreement that was actually drafted by our attorney.

This is a game being played and Chairman Orman is being played like a pawn. Attorney Koester doesn't want to the game to end, because he is being paid \$225 per hour to play. Personally, I don't believe that Bobby Orman has demonstrated the integrity and leadership skills required to fulfill the duties of County Board Chairman and think he should step down from this position. The public needs to open their eyes and hear the truth because it certainly is not being represented to the residents of Shelby County.