

COOK COUNTY BOARD OF REVIEW

Report of Proceedings had in the above-entitled matter this 6th day of December, A.D. 2021 at the hour of 9:30 o'clock a.m., via video teleconference.

PRESENT:

COMMISSIONER MICHAEL M. CABONARGI

COMMISSIONER TAMMY WENDT

COMMISSIONER LARRY ROGERS

ALSO PRESENT:

Mr. William O'Shields

Mr. Todd Thielmann

Mr. Chris Belz

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A G E N D A

- I. Call to Order and Roll Call
- II. Approval of the Minutes from the Opening Meeting,
of July 6th, 2021 and the Minutes from the July 16th
Executive Session
- III. Old Business
- IV. New Business
 - a) Motion to appointment a Chair of the Cook County Board
of Review.
 - b) Motion to appoint individuals for the Chief Deputy
Commission Clerk, Board of Ethics Officer, and Freedom
of Information Officer
 - c) Motion to adopt the vaccine policy as an official
policy of the Board
 - d) Discussion
- V. Other Business
 - a) Discuss Pledge of Allegiance
 - b) Vaccine Policy Ratification
 - c) Monthly Meetings
 - d) Discussion
- VI. Public Comments
- VII. Jim Thompson
- VIII. Adjournment of meeting of the Board of Review.

1 COMMISSIONER ROGERS: Good morning. I want to call to
2 order our meeting of Monday, December 6th, 2021. We'll begin
3 with a roll call.

4 Commissioner Michael Cabonargi?

5 COMMISSIONER CABONARGI: Present.

6 COMMISSIONER ROGERS: Commissioner Tamara Wendt?

7 COMMISSIONER WENDT: Good morning. Present.

8 COMMISSIONER ROGERS: And I'm present.

9 Let the record reflect that all Commissioners
10 are present and prepared to proceed.

11 Is there a motion to approve the Minutes from
12 the Opening Meeting of July 6th, 2021 and the Executive Session
13 of July 14th, 2021?

14 COMMISSIONER CABONARGI: So moved.

15 COMMISSIONER ROGERS: Second?

16 COMMISSIONER WENDT: Can we separate those out, actually,
17 July 6th...?

18 COMMISSIONER ROGERS: Sure.

19 COMMISSIONER WENDT: Thanks.

20 COMMISSIONER ROGERS: Is there a motion to approve the
21 Opening Meeting Minutes of July 6th, 2021? Is there a motion?

22 COMMISSIONER WENDT: I'll make that motion.

23 COMMISSIONER CABONARGI: I'll second it.

24 COMMISSIONER ROGERS: All in favor of approving the

1 Minutes from the Opening Meeting of July 6th, 2021 indicate so
2 by saying "aye".

3 (Chorus of ayes.)

4 COMMISSIONER ROGERS: Let the record reflect that the
5 motion passes with unanimous vote.

6 Is there a motion for approval of the Minutes
7 from the Executive Session of July 14th, 2021?

8 COMMISSIONER CABONARGI: I'll make the motion.

9 COMMISSIONER ROGERS: Is there a second?

10 (No response.)

11 COMMISSIONER ROGERS: I second the motion.

12 Any discussion?

13 COMMISSIONER WENDT: I'm not going to -- I'm voting to
14 not approve of those Minutes, actually, because an audio
15 transcript does not fulfill the written Minutes requirement.
16 It's lacking structure, and it has errors.

17 So the Executive Session is a verbatim of
18 audio and/or video requirement, so I can't vote to approve
19 those.

20 COMMISSIONER ROGERS: Do you have a recitation or
21 description of any of the discrepancies that you claim to
22 exist?

23 COMMISSIONER WENDT: Yeah. It's not recorded, audio or
24 video.

1 COMMISSIONER ROGERS: But you claim errors. Are there
2 some errors in particular that you're referencing?

3 COMMISSIONER WENDT: There's errors in the Minutes.

4 COMMISSIONER ROGERS: I understood that. Is there some
5 specific error that you're referencing?

6 COMMISSIONER WENDT: I think we need to probably have a
7 discussion on that.

8 COMMISSIONER ROGERS: You don't want to discuss it
9 publicly?

10 COMMISSIONER WENDT: I just think that there's a lot to
11 compare between the people who were taking Minutes.

12 COMMISSIONER ROGERS: Can you identify even one error?

13 COMMISSIONER WENDT: I can identify -- no, I'm not going
14 to identify it right now. There's just -- there's errors in
15 names. That's one error that I can say.

16 COMMISSIONER ROGERS: Okay. Given the lack of
17 specificity, there's a motion on the floor that's been
18 seconded. All in favor of it indicate so by saying "aye".

19 COMMISSIONER CABONARGI: Aye.

20 COMMISSIONER ROGERS: Aye.

21 Any nays?

22 COMMISSIONER WENDT: Nay.

23 COMMISSIONER ROGERS: Let the record reflect that the
24 motion passes with the vote of two Commissioners, and the

1 Minutes from the Executive Session of July 14th, 2021 are
2 approved.

3 Any old business?

4 (No response.)

5 COMMISSIONER ROGERS: Hearing none, let's move on to new
6 business.

7 Motion No. 1, for appointment of the Chair of
8 the Cook County Board of Review.

9 COMMISSIONER CABONARGI: Chairman, I move to appoint a
10 chair, pursuant to the Illinois Property Tax Code at the Cook
11 County Board of Review.

12 COMMISSIONER ROGERS: Is there a second?

13 COMMISSIONER WENDT: Under the Code I believe this is --
14 the chair is determined by lot. Is that right?

15 COMMISSIONER ROGERS: That's correct.

16 COMMISSIONER WENDT: Second.

17 COMMISSIONER ROGERS: Hearing a motion to appoint a chair
18 pursuant to the Property Tax Code, all in favor indicate so by
19 saying "aye".

20 (Chorus of ayes.)

21 COMMISSIONER ROGERS: Shall we proceed with the drawing
22 of the lot?

23 COMMISSIONER CABONARGI: So, Commissioner Rogers, would
24 you like to walk folks through, who are maybe watching this for

1 the first time, as to what we're doing and why we're doing it?

2 COMMISSIONER ROGERS: Sure.

3 We're proceeding remotely due to the COVID
4 pandemic that continues to exist throughout Cook County,
5 throughout the state of Illinois, throughout the country. That
6 being said, we've been proceeding despite the pandemic --
7 largely, in a remote environment.

8 We're continuing to proceed remotely. We are
9 proceeding with the selection of a chair with the Chief Deputy
10 Commissioner live in the -- at the Board of Review, William
11 O'Shields.

12 William, can you go off of mute? You're
13 muted, William.

14 COMMISSIONER WILLIAMS O'SHIELDS: Okay. Good morning.
15 All is well. We had a little audio issue.

16 So as Commissioner Rogers stated, this year,
17 per statute, there is a lot vote for a chair. And so I would
18 like the record to reflect that we do have a box, and we have
19 business cards of each Commissioner.

20 Let the record reflect that we have
21 Commissioner Cabonargi; that's 1, 2, 3. Please let the record
22 reflect that we have three cards for Commissioner Tammy Wendt;
23 1, 2, 3. And let the record reflect that we have three
24 business cards for Commissioner Larry Rogers, Jr.; 1, 2, 3.

1 So what we'll do is mix up the cards, shuffle
2 them up, shuffle them around. And then we've got to jumble
3 them up in the box, and then we'll pull.

4 We do have a witness, Mr. Todd Thielmann.

5 I'll put them in the box.

6 (Whereupon, there was a brief pause.)

7 COMMISSIONER WILLIAMS O'SHIELDS: All right. Let the
8 record reflect that the card that was selected was Commissioner
9 Larry R. Rogers, Jr. So, per the selection by a lot, the chair
10 for the 2021 tax year will be Commissioner Larry R. Rogers.

11 COMMISSIONER ROGERS: Great.

12 COMMISSIONER WENDT: Thank you, Commissioner.

13 COMMISSIONER CABONARGI: Congratulations.

14 COMMISSIONER ROGERS: Thank you.

15 Let the record reflect that the drawing of the
16 lot was performed. It was witnessed. And, me, Commissioner
17 Larry Rogers, Jr., was selected as chairperson for the Cook
18 County Board of Review for the 2021 session.

19 Moving on with the Agenda, is there a motion
20 to appoint individuals for the Chief Deputy Commission
21 Secretary, Clerk of the Board of Ethics Officer, and Freedom of
22 Information Officer? Can we do those all collectively?

23 COMMISSIONER CABONARGI: Sure. Commissioner Rogers?

24 COMMISSIONER ROGERS: Any objection --

1 COMMISSIONER CABONARGI: Sorry.

2 COMMISSIONER ROGERS: Any objection to that, Commissioner
3 Wendt?

4 COMMISSIONER WENDT: Did you say "secretary"? Because
5 there's no secretary.

6 COMMISSIONER ROGERS: No.

7 COMMISSIONER WENDT: Oh, you didn't? Okay.

8 COMMISSIONER ROGERS: I did, actually. I did, actually.

9 COMMISSIONER WENDT: Oh. We'll get to it. Collectively,
10 I think -- I don't think -- because --

11 COMMISSIONER CABONARGI: Well, I think we can leave --

12 Because we don't have a nominee, maybe I -- I
13 was going to make the motion. And if folks like the motion, we
14 can vote on it. But if we need to change it...

15 The motion I was going to make: Move to
16 appoint William O'Shields as Chief Deputy Commissioner; Al
17 Manuel as Chief Clerk of the Board; Jonathan Chapman as ethics
18 officer; and Jonathan Lartz as Freedom Information Officer.

19 COMMISSIONER ROGERS: Is that motion seconded?

20 COMMISSIONER WENDT: Seconded.

21 COMMISSIONER ROGERS: Having a motion to appoint William
22 O'Shield's Chief Deputy Commissioner; Al Manuel, Clerk of the
23 Board; and Jonathan Chapman, as Ethics Officer; and John Lartz,
24 as Freedom of Information Officer -- having that motion been

1 presented and seconded, is there a vote in favor? All indicate
2 so by saying "aye".

3 (Chorus of ayes.)

4 COMMISSIONER ROGERS: Let the record reflect that the
5 motion passes unanimously.

6 We recently had a departure from the Agency of
7 the Clerk of the -- of the Secretary of the Board, Jim
8 Thompson; so we are in the process of identifying a
9 replacement. I believe that there have been --

10 There will be a publication for that position,
11 to seek applicants; and we'll make a decision in that regard,
12 as to who will serve as secretary, based upon the submission of
13 applications; and a decision will be made.

14 In that vein -- well, let's move on to Other
15 Business. At some point in time, though, let's address Jim
16 Thompson and the role that he played at the Agency. We can do
17 that later on the Agenda.

18 Other Business: There was an issue of
19 discussion with regard to the Pledge of Allegiance?

20 COMMISSIONER WENDT: Yeah.

21 COMMISSIONER ROGERS: Commissioner Wendt, I think this is
22 on the Agenda based upon your...

23 COMMISSIONER WENDT: It is. Thank you. Right.

24 I'm asking my fellow Commissioners for

1 approval to incorporate the Pledge of Allegiance into Board of
2 Review public meetings. Most public bodies start out with the
3 Pledge. And I believe it to be important, as public servants,
4 to remind ourselves of our duties as such.

5 The last line of the Pledge states "liberty
6 and justice for all". The Board of Review provides liberty.
7 It provides the liberty of property owners to appeal, and we
8 seek justice in those appeals; so I think it's a fitting start
9 to our meetings.

10 So I would like to make a motion to start the
11 regular meetings of the Board of Review with the Pledge of
12 Allegiance.

13 Do I have a second?

14 COMMISSIONER CABONARGI: Second.

15 COMMISSIONER ROGERS: Any discussion beyond what's been
16 stated?

17 (No response.)

18 COMMISSIONER ROGERS: I think I've been doing the Pledge
19 of Allegiance since I was in kindergarten and 1st Grade. I
20 have no opposition, obviously, to the Pledge of Allegiance.

21 There being a motion to begin the Board of
22 Review meetings with the Pledge of Allegiance and that motion
23 having been seconded, is there a vote in favor? If so,
24 indicate by saying "aye".

1 (Chorus of ayes.)

2 COMMISSIONER ROGERS: Let the record reflect that the
3 motion to begin Board of Review public meetings with the Pledge
4 of Allegiance has passed with the unanimous vote.

5 COMMISSIONER CABONARGI: Commissioner Rogers, I'm sorry.
6 I realize that I probably should have asked this before the
7 motion.

8 Commissioner Wendt, are you saying our
9 Commissioner Board of Review meetings, or are you saying
10 hearings?

11 COMMISSIONER WENDT: No. Just our public meetings -- our
12 public meetings of Commissioners.

13 COMMISSIONER CABONARGI: Great. Okay. Just to be clear.

14 COMMISSIONER ROGERS: Okay. That's how I understood the
15 motion.

16 COMMISSIONER CABONARGI: Me too.

17 COMMISSIONER ROGERS: Other New Business: The vaccine
18 policy that has been implemented by the staff at the Board of
19 Review based upon the current pandemic and countywide vaccine
20 policies.

21 Is there someone who could speak to the
22 current vaccine policy in the office before we engage in
23 discussion? Jim Thompson typically would do that. He's the
24 Secretary of the Board. He's now not present.

1 In summary, William, do you want to address
2 it?

3 COMMISSIONER WILLIAMS O'SHIELDS: Yes.

4 A vaccination survey was distributed to all
5 Board employees, and they were to respond accordingly to the
6 survey on or about November 8th. Since that time we've -- I
7 think Board-wide we've had, approximately, about an 80 percent
8 response rate; however, it's not a hundred percent. So that's
9 the current status in regards to the survey.

10 Now, in regards to the policy, the policy is
11 pretty much modeled after the County's policy; and that
12 included the survey, and response times, and things of that
13 nature.

14 COMMISSIONER ROGERS: Okay. So my understanding, just to
15 further elaborate on that, we submitted a survey. We asked
16 everyone to provide proof of vaccination so we have a record.
17 Again, this is in the interest of the public safety as well as
18 the safety of all employees at the Board.

19 If you didn't submit -- if you weren't
20 vaccinated, I believe there's a policy at the County with
21 regard to how frequently you are to be tested and submit proof
22 of test results.

23 I know I have implemented that policy as a
24 recommendation of the Secretary's Office and staff -- to my

1 staff.

2 Commissioner Cabonargi, I don't know what your
3 position is, but you can state whether you've requested that
4 your staff all comply.

5 COMMISSIONER CABONARGI: I have. I have. I mean, yes.

6 Continue, Commissioner Rogers. I'll speak
7 after you, please.

8 COMMISSIONER ROGERS: Okay. And in an effort to lead by
9 example, I did pursue vaccination. I have been vaccinated. I
10 supplied my proof of vaccination and, again, requested that my
11 staff do the same.

12 Commissioner Cabonargi, did you want to speak
13 to it?

14 COMMISSIONER CABONARGI: Sure.

15 I mean, I think, as you mentioned, we have to
16 lead by example here. You know, the safety of our employees
17 and the public has to be our priority. It is why last March of
18 2020 Commissioner Rogers and I, with then Commissioner Patlak
19 got the staff together and told the staff that to keep them and
20 their families safe we were going to be moving to a remote
21 operating procedure for what we thought might be weeks.

22 We didn't expect that it would be going on as
23 long as it has. And with the Delta variant and now the Omicron
24 variant, it looks like we'll continue to have to be vigilant

1 about it.

2 Our policy is not a creative writing exercise.
3 It's the same policy as majority -- it's a similar policy as to
4 what the President's office has and is being followed by the
5 other independent elected officials. It started with a survey
6 so that we could confirm that our staff is taking their health
7 seriously and being vaccinated; and then, moving forward,
8 giving folks a window to be vaccinated, if they're not. And if
9 there's a particular exemption that they want to avail
10 themselves of, we'll work with them to do that. This is all
11 with the goal of us returning to work.

12 Obviously, a vaccination policy, when everyone
13 is in a remote environment, isn't as important or useful as
14 when we resume an in-person work environment. So we can't get
15 to that point of getting back to normal at the Board with
16 in-person hearings and colleagues being able to work with each
17 other in the office and work through files and cases until we
18 start to address vaccination among the staff.

19 And our policy is, as I said, not unique.
20 It's legally supported, and it's the right thing to do.
21 Thanks.

22 COMMISSIONER WENDT: If I could just speak to that as
23 well.

24 I'm sure you all know that right now the 6th

1 Circuit Court of Appeals has stayed the OSHA mandate. The 6th
2 Circuit Court of Appeals is the court that is -- that won the
3 lottery to consolidate and adjudicate OSHA's vaccine mandate.

4 There's lawsuits all over the country against
5 these mandates. We need to be very careful not to discriminate
6 against our employees and not to just, you know, trample on
7 their constitutional rights.

8 I don't think that the Board of Review policy
9 is very strong, in that I don't know how enforceable it is.
10 The previous Secretary had said that there were exemption
11 requests submitted, but he was waiting on a process -- or an
12 exemption form that I know has not been given out to certain
13 people who have requested that. Yeah.

14 So I just think that vaccination should be the
15 decision of the individual. And to force it by threat of
16 losing their job I think could be unconstitutional. But it's a
17 fluid argument right now that is currently being adjudicated.

18 So I think with the 2021 session just starting
19 today and us continuing to work remotely for safety, this
20 policy does not guarantee safety. I just think that this
21 policy should be tabled until the pending lawsuits are decided.

22 COMMISSIONER ROGERS: Just a point of clarification: I
23 believe the survey requires a report of vaccination status.
24 And for those that are vaccinated there's a requirement to

1 submit proof of vaccination or an indication that you're not.
2 Those components of the policy do not require expressing
3 vaccination. They simply require reporting your status.

4 Are you opposed to that, Commissioner Wendt?

5 COMMISSIONER WENDT: I know that there has been a survey
6 sent out to all of the staff, actually, already. That survey
7 is part of the vaccine policy. So, again, I think it should be
8 tabled -- the entire policy.

9 COMMISSIONER ROGERS: Okay. As Commissioner Cabonargi
10 indicated, first and foremost, we want to make sure that our
11 employees are safe. We want to move to in-person hearings as
12 soon as possible.

13 A part of that planning process requires
14 knowledge and information regarding the vaccination status of
15 our employees so that we know how to prepare for in-person
16 hearings and how to prepare for our staffs to meet in-person
17 for purposes of carrying out the responsibilities of the
18 Agency.

19 Those components in and of themselves do not
20 require that you be vaccinated expressly, but simply that you
21 tell us whether you are or are not, for public safety and the
22 safety of employees.

23 That being said, as Commissioner Cabonargi
24 indicated, it mimics and mirrors the policy of the County.

1 Is there any further discussion? If not,
2 we'll ask a different question.

3 COMMISSIONER CABONARGI: Yes. Thanks, Commissioner
4 Rogers.

5 I'd like to move to -- I'd like to move to --
6 I want to say "ratify" is the right word. But I'd like to move
7 to make the vaccine policy that was recommended and approved by
8 majority of the Commissioners -- move to make the vaccine
9 policy the policy of order as written, as previously
10 distributed.

11 COMMISSIONER ROGERS: Is there a second --

12 Just for clarification, I think you said by
13 the Commission. I think it was actually by the staff, based
14 upon information provided through the County, through the
15 County's policy.

16 COMMISSIONER WENDT: May I just say one thing? How are
17 we going to enforce the vaccine policy on the practicing bar
18 and public attendees in an in-person environment?

19 COMMISSIONER ROGERS: Let me give the motion and see
20 whether it's seconded, and then we'll open it for discussion,
21 just for procedural purposes.

22 COMMISSIONER CABONARGI: Sure. And I'm sorry.

23 Just to clarify -- because you're correct,
24 Commissioner Rogers, the policy that's in effect right now was

1 created by the staff in consultation from the President's
2 office and I believe the State's Attorney's office to make sure
3 that it was legally permissible.

4 And then I can only speak to me here. My
5 First Deputy ran it past me, and I approved. So it was
6 ratified by me as a Commissioner through my staff, which is how
7 we do majority of the decision-making at the Board. Your First
8 Deputy brings you an issue. You approve, deny, ask for -- or
9 have additional questions. And it was my understanding that my
10 First Deputy spoke to your First Deputy and said that
11 Commissioner Cabonargi is in support of it.

12 What I'm doing here today is eliminating the
13 staff and, at the Commissioner level, saying, "this is our
14 policy, and I will own it".

15 So I am in favor of the vaccine policy of the
16 Board of Review. It's the responsible thing to do, and it's
17 the right thing to do. So I'm moving to make the vaccine
18 policy of the Board the official vaccine policy of the Board.

19 COMMISSIONER ROGERS: Is there a second?

20 (No response.)

21 COMMISSIONER ROGERS: I will second that motion.

22 It is -- your description of the process
23 through which that policy is presented is accurate and
24 consistent with my recollection. I second the motion.

1 Any discussion?

2 COMMISSIONER WENDT: Just what I've already said. I
3 don't know how we're going to enforce a policy against the
4 practicing bar and public attendees when we are in person; and
5 everything else that I stated before. It is an incomplete
6 policy. We're risking trampling on a lot of rights.

7 COMMISSIONER CABONARGI: And, Commissioner Wendt, if I
8 can address part of that, putting this in context, nearly all
9 of the other countywide offices are back to engaging with the
10 public. The Treasurer's Office is open to the public. The
11 Clerk's office is open to the public. So we've got precedence
12 of others that we can plug in to for lessons that they've
13 learned.

14 I think we can always keep the ability to do
15 our remote hearings as a backup. So, for example, if there's
16 more breakthrough cases, if there's more variants, I'm just
17 following here what the public health professionals tell us to
18 do. So we've done every step of the way. It's just follow
19 what the scientists tell us to do.

20 And if they say that we need to go to a remote
21 work environment, if that's their recommendation, I'll listen
22 to that. But for now every responsible public health official
23 is saying get vaccinated, get back to work. So I think our
24 staff should be vaccinated and get back to work.

1 In terms of engagement with the public, like I
2 said, I'm hoping that the senior staff of the Board will work
3 with this office as I talk to others to get guidance so that we
4 can reopen the Board.

5 And I would say, along with the vaccination
6 policy, included in there is a mask policy because, again, all
7 of the responsible public health professionals have said that
8 it's vaccinating -- it's getting vaccinated; it's being masked;
9 it's keeping space between people. There's no magic to this.
10 It's all science, and we know what the science is.

11 It's not just a vaccination. It's masking;
12 it's separation of staff; it's pursuing a hybrid schedule so
13 that we don't have a hundred percent of the staff at the office
14 at all times.

15 So senior staff will work together to stagger
16 staffing in the office and space staff out. I know that
17 Deborah and the other secretary staff are working on the
18 capital planning for visible spacing.

19 So, again, the vaccination policy is more than
20 just getting vaccinated. It's really a plan for us to get back
21 to work.

22 COMMISSIONER WENDT: Okay. I understand where you're
23 coming. It's just we can't ignore what's happening nationally
24 in the courts either.

1 Commissioner Rogers, I know that you said
2 earlier today that it was -- you've told your staff that they
3 have to just -- tell me if I heard you wrong -- either get
4 vaccinated or tested.

5 Is that your understanding of the policy? Is
6 it an either/or? Because I know that that's what OSHA said.

7 COMMISSIONER ROGERS: What I informed my staff was that I
8 would be vaccinated and supply proof of my vaccination and
9 encourage them to report their vaccination status and comply
10 with both completion of the questionnaire and providing us, at
11 a minimum, information of the vaccination status, again, so we
12 can carry out the duties of the Board and get back to in-person
13 hearings as much as possible. To ensure their safety and the
14 safety of the public, we need to know everyone's status.

15 There have been issues raised about meetings
16 amongst the Commissioners. In order to meet with Commissioner
17 Cabonargi, I need to know what his vaccination status is so
18 that I can ensure my safety, his safety, and the safety of
19 those that I live with. If he's not vaccinated, I need to
20 know.

21 If I'm going to meet with Commissioner Wendt,
22 I need to know her vaccination status so that I can make an
23 informed decision about how to conduct that meeting and whether
24 I'm exposing myself and individuals at my household -- some of

1 which are young, some of which I encounter that are seniors. I
2 need to know your vaccination status. I think that's
3 important. That's what I've imparted to my staff.

4 I'd like to know, Commissioner Wendt, are you
5 vaccinated? Are you someone that I can meet with in person?

6 COMMISSIONER WENDT: But that wasn't my question. My
7 question was, did you say our policy was getting vaccinated or
8 testing?

9 COMMISSIONER ROGERS: The policy, I don't have it
10 verbatim in front of me, but it is the same policy that's been
11 implemented by the County. And there are -- if you are not
12 vaccinated, there are steps that you can take to provide proof
13 of testing, has always been my understanding.

14 COMMISSIONER CABONARGI: If I can jump in, Commissioner
15 Wendt and Commissioner Rogers, our policy does not offer a
16 testing alternative. It's the same policy as the policy in the
17 Office of the President and all of the departments of the
18 President -- which, again, we're just following what the
19 State's Attorney's Office and others have set up as a
20 permissible vaccination policy.

21 You know, we're kind of one of the later
22 offices coming in and having a formal vaccination policy, so
23 we've got the benefit of others already having one set up.

24 And, you know, your question about the 6th

1 Circuit and others, I mean, if you've got an opinion from the
2 State's Attorney's Office saying that our policy doesn't pass
3 legal muster, please share it with us. I haven't seen one.

4 So, at this time, I'm ready to move forward;
5 and I'd like to call the question on my motion to adopt the
6 vaccine policy as an official policy of the Board.

7 COMMISSIONER ROGERS: Sure. Just to clarify my comment,
8 there are accommodations that were included within the policy.
9 If you comply with the accommodation plan within the policy,
10 then submitting frequent testing is permitted, but there are
11 specific ways in which -- or I'm sorry -- specific
12 accommodations that have to be complied with if you're not
13 going to be vaccinated.

14 COMMISSIONER WENDT: And I know that our staff is waiting
15 on a status as to those accommodations. They're waiting. They
16 were told that they would -- months ago -- that they would be
17 informed as to how to proceed with exemption requests, and they
18 haven't been given that answer.

19 COMMISSIONER CABONARGI: Commissioner Wendt, I guess I
20 have a question here. So -- and I'm the one who called the
21 question, but I would like to withdraw my calling and any
22 debate on it just to see how this plays out.

23 So if we go ahead and we formally pass what's
24 already been a policy, which is a vaccination policy of the

1 Board -- the majority of the Commissioners have approved it.
2 If we go ahead today and approve the vaccination policy, it
3 doesn't sound like your staff, the majority of your staff --
4 and correct me if I'm wrong.

5 Has the majority of your staff filled out the
6 survey?

7 COMMISSIONER WENDT: I've received no reports on who's
8 filled out the survey. I have no idea.

9 COMMISSIONER CABONARGI: So if this has been passed today
10 as the policy of the Board -- you know, there's been a public
11 hearing on it. This is what we're doing today is passing
12 that -- and that becomes the official vaccination policy of the
13 Board, will your staff follow that vaccination policy?

14 COMMISSIONER WENDT: I can't answer that question because
15 there has been exemption requests. So I'm already voting to
16 table this topic. That's why I can't give you an answer
17 because I think we should table this policy.

18 COMMISSIONER CABONARGI: And I hear what you're saying
19 about the forms. But the fact that the forms haven't been
20 provided to people is --

21 The forms themselves are covered in the
22 policy. So what we're going to be voting on is a policy that
23 will include exemptions, valid religious exemptions, for
24 example, which is generally defined. You know, we know that

1 the County's HR Department has given us great guidance as to
2 what is a valid religious exemption. For example, I'm
3 Catholic. Being Catholic is not a valid religious exemption.

4 COMMISSIONER WENDT: I'm not the one to be the judge of a
5 religious exemption, so I think you need to be careful there.

6 COMMISSIONER CABONARGI: Sure. But I guess, back to my
7 question for you is, we're about to pass a policy that is going
8 to be the policy of the entire Board, including your staff,
9 including you. And what's going to happen if you and your
10 staff don't follow the policy?

11 COMMISSIONER WENDT: Well, we already retained an
12 attorney to assist us with Human Resource policies. I think we
13 should consult with them.

14 COMMISSIONER CABONARGI: Based upon...?

15 COMMISSIONER WENDT: All of the questions, everything
16 that we're discussing right now. I think we need to discuss
17 this with an attorney.

18 COMMISSIONER CABONARGI: Have you sought legal counsel
19 from a State's Attorney?

20 COMMISSIONER WENDT: With regard to what?

21 COMMISSIONER CABONARGI: Have you asked the State's
22 Attorney's Office to look at our vaccination policy, and have
23 they given you any feedback?

24 COMMISSIONER WENDT: Yes.

1 COMMISSIONER CABONARGI: What was the feedback? What did
2 they say about our policy?

3 COMMISSIONER WENDT: I'm not going to -- I'm not going to
4 discuss attorney-client privilege in a public meeting.

5 COMMISSIONER CABONARGI: Okay. If there is a policy that
6 you can share, I'd like to see it -- or not a policy.

7 I should say, if there's an opinion from the
8 State's Attorney's Office as to our vaccination policy, I'd
9 like to see it, if you're comfortable with sharing that.

10 COMMISSIONER WENDT: Well, and again, that was before.
11 That was -- without getting into what was discussed, I think
12 the State's Attorney may have a different -- may have something
13 else to say now because of what's happening nationally in 6th
14 Circuit. But I don't know. That's what --

15 You know, I think that we need an attorney to
16 provide more information to us as to how we should proceed. I
17 don't want to -- I don't want to vote for something that could
18 be unconstitutional. We need solid advice, legally, on this.

19 COMMISSIONER ROGERS: Commissioner, I guess that's your
20 prerogative. I think what Commissioner Cabonargi is
21 inquiring -- you know, before we take a vote we want to know
22 the impact that the vote may potentially have on you and your
23 staff.

24 So what he's asking, if I understand the

1 question, is if we in fact implement this policy, is that
2 something that your staff will comply with and you will comply
3 with, at a minimum, as it relates to reporting your status and
4 your staff's status so the rest of us can engage in the safe
5 carrying out of the business of the Board in person at some
6 point?

7 COMMISSIONER WENDT: Well, I know that you can't make
8 people wear masks and then certain people not wear masks. I
9 mean, that right there is discriminating. So I can't tell
10 people -- I can't make them comply. I can't make somebody do
11 something.

12 COMMISSIONER ROGERS: Sure. Of course you can't. No one
13 is suggesting that you physically force anyone. But as a
14 leader of the Agency and as an elected Commissioner, we all
15 lead by example. So, again, I not only informed my staff that
16 that they needed to comply with the policy, but I also led by
17 example and got vaccinated and provided proof of vaccination
18 and complied with the policy. I believe Commissioner Cabonargi
19 did the same thing.

20 There have been -- there's been a push for
21 in-person meetings, to some extent. And we, as Commissioners,
22 may have to meet in person about some subject matters. To do
23 that, we need to know your status and your position on the
24 policy to vote on this. It would be helpful to know whether

1 you will carry out the policy of the Board if we are -- if we
2 vote in favor of the vaccination policy. Is that something --

3 Understanding that you are against it
4 personally; but if it's voted upon by two or three
5 Commissioners and is the policy of the Agency, do you agree to
6 enforce and comply with the policy of the Agency?

7 COMMISSIONER WENDT: Well, you've already -- I mean, I
8 know that that's what you're -- both of you are voting for. I
9 have not been provided a list of anyone's vaccination status,
10 so there's a lot still happening that we have no idea. That's
11 what I mean by saying that the policy is incomplete.

12 I don't know -- I don't know the results of
13 these surveys. I've never seen anything.

14 COMMISSIONER CABONARGI: Have you seen the results for
15 your staff?

16 COMMISSIONER WENDT: No.

17 COMMISSIONER CABONARGI: Why not?

18 COMMISSIONER WENDT: Because I didn't send the survey
19 out; and whoever did didn't send me the results.

20 COMMISSIONER CABONARGI: Did you request the results or
21 anything?

22 COMMISSIONER WENDT: Todd did.

23 I mean, isn't this something that's supposed
24 to be discussed in the chief's meeting? I don't know.

1 COMMISSIONER ROGERS: Again, it's...

2 COMMISSIONER CABONARGI: It's my understanding that it
3 has been.

4 It's my understanding that less than half of
5 your staff, Commissioner Wendt, have completed the survey.

6 COMMISSIONER WENDT: Less than half of my staff you're
7 saying?

8 COMMISSIONER CABONARGI: Has completed the survey.

9 COMMISSIONER WENDT: And how do you know this? Because I
10 wasn't made privy to this information.

11 COMMISSIONER CABONARGI: That, I believe, was discussed
12 at the chief's meeting.

13 COMMISSIONER ROGERS: So Todd would know.

14 COMMISSIONER WENDT: Well, if they gave numbers, it
15 was -- I don't think it was divided up by the staff.

16 COMMISSIONER CABONARGI: Let me kind of give you --

17 My real kind of, like -- kind of rubber
18 hitting the road concern is you haven't seen firsthand a
19 hearing day at the Board because, again, we've all been in a
20 remote environment since you joined the Board.

21 But, on a hearing day, we'll have 24 hearing
22 officers in a hearing room, and they work shoulder to shoulder,
23 and each of the staffs, generally, put around eight hearing
24 officers on the bench -- you know, eight hearing officers,

1 three staff, 24 hearings officers in the room. They're working
2 shoulder to shoulder with their colleagues. And on the other
3 side of the glass is the public, you know.

4 How are we going to be scheduling who is going
5 to be working shoulder to shoulder unless we know who has been
6 vaccinated and who is wearing mask? So if one of my people
7 come out on that day to do a hearing, and they're not masked,
8 and they haven't filled out the survey, I'm going to tell them
9 to turn around. They can't be in the public area unmasked with
10 their colleagues next to them.

11 And I have to know have you been vaccinated
12 before I put you out there in the public space. It's unsafe
13 for the public, and it's unsafe for the colleagues and the
14 colleagues' families. So before we can start to schedule
15 hearing schedules we have to know that the survey is completed
16 for those hearings officers and for those analysts, for the
17 clerk staff at the counter, the secretary staff.

18 This is the practical way that we're going to
19 reopen the Board is to have an intelligent, informed list of
20 our employees. That's my concern.

21 COMMISSIONER ROGERS: And just to further pinpoint it, we
22 had a drawing today where Todd is in the presence of William
23 O'Shields; and I think William is entitled to know Todd's
24 status. I mean, they're in close proximity of another.

1 And, again, just the functioning of the
2 Agency, at a minimum, requires, from my perspective, a policy
3 that requires notification of a person's status so that
4 informed decisions regarding health can be made, and we can
5 make people as safe as possible.

6 COMMISSIONER WENDT: Well, the last update was provided
7 to Todd as to the status of everybody on October 4th by Jim
8 Thompson. So, you know, that was over 2 months ago. So we
9 don't know the status of anyone right now. I don't know the
10 status of anyone.

11 And, like I said before, I understand the
12 concern. But, you know, people are still spreading COVID when
13 they are vaccinated.

14 So how do I know that you, Mike, aren't going
15 to give it to me?

16 COMMISSIONER CABONARGI: Sure. That's a great question.

17 First off, like Commissioner Rogers stated,
18 not only have I been vaccinated, I got my booster shot 2 weeks
19 ago; and I'll continue to get my booster shot.

20 I can only say what every doctor from the CDC
21 to the Department of Health to the Illinois Department of
22 Public Health to my own doctor has said, which is "get
23 vaccinated, get your booster, wear a mask, and that
24 dramatically reduces the transmission of the virus and

1 dramatically reduces your chance of a breakthrough". And
2 that's the bare minimum of what we can do.

3 If we're going to start to get back to normal
4 for the public, too, it starts with masking and being
5 vaccinated and keeping up with your vaccinations, your
6 boosters.

7 I think William showed up on screen. William,
8 did you want to...?

9 COMMISSIONER WILLIAMS O'SHIELDS: Yes, Commissioners, I
10 just want to add that Jim Thompson, former Secretary of the
11 Board, did report out two respective First Assistant Chief of
12 Staffs of the responses -- of the responses for the survey. He
13 will transmit those individually to each staff. And if we need
14 to update that list, we can do that today.

15 COMMISSIONER CABONARGI: Thanks, William. I have a
16 follow-up point, too, I guess, for Commissioner Wendt.

17 You talked about how we have an attorney
18 looking at things for us. I just want to be very clear. We
19 engaged the law firm of Hinshaw & Culbertson to help us, advise
20 us, as we do our job titles, duties, responsibilities, our
21 structure, our on-boarding, really our labor and employment
22 function -- which we've all agreed we need to make that a
23 priority -- but that engagement with them does not include
24 COVID policies.

1 Is there another lawyer or law firm that
2 you've engaged to look at this for you or for the Board?

3 COMMISSIONER WENDT: Well, I think that this is a pretty
4 significant policy. This is a very important policy. This is
5 something that an attorney should be looking at. I think this
6 is -- if we don't have --

7 No, I don't have an attorney for that. I
8 assumed that the HR attorney that we already have could advise
9 us on that.

10 COMMISSIONER CABONARGI: Okay. But just to be clear, the
11 HR attorney is the law firm of Hinshaw & Culbertson, and their
12 engagement with us was limited to our job duties, titles, and
13 responsibilities in our personal manual.

14 So we do not have an outside -- we do not have
15 Hinshaw looking at COVID-19. That would be outside of the
16 terms of their engagement. It sounds like the State's
17 Attorney's Office, which is always our first line, in terms of
18 getting legal advice on labor and employment matters, was
19 talked to. I'll reach out to them as well and see if they have
20 an opinion that they can share with us.

21 COMMISSIONER WENDT: Well, that's what I was going to
22 say, yeah. I was going to say maybe we can ask the State's
23 Attorney's Office for an updated opinion, in light of what's
24 happening in federal courts. That cannot be ignored.

1 COMMISSIONER ROGERS: Okay. Commissioner Wendt, I'll
2 just ask you directly, just for purposes of in-person
3 Commissioner meetings and staff, if passed, the vaccination
4 policy, will you report your status on whether you're
5 vaccinated or not?

6 COMMISSIONER WENDT: I can't give an answer to that
7 without having spoken to an attorney.

8 COMMISSIONER ROGERS: Will you require your staff to be
9 masked if meeting in person?

10 COMMISSIONER WENDT: Yeah. I don't know if I can make
11 anybody do anything.

12 Masking? Yeah. I mean, everybody wears a
13 mask, so I don't think that's a problem.

14 COMMISSIONER ROGERS: Okay. That's helpful.

15 So you will require your staff to comply with
16 the policy, in terms of wearing masks in person?

17 COMMISSIONER WENDT: Oh, sure. Yeah. Yeah. Masking,
18 yes.

19 COMMISSIONER ROGERS: Will you require your staff to
20 report their vaccination status, be it vaccinated or not, so we
21 can make informed decisions from a staff perspective?

22 COMMISSIONER WENDT: I can't make them. In good
23 conscience, I cannot go along with a moral policy. I can't.

24 COMMISSIONER ROGERS: No. This is just reporting the

1 status. I'm not requiring that they be vaccinated. I'm just
2 taking it step by step.

3 Can we all know whether they are or are not
4 vaccinated so we can make informed decisions about in-person
5 meetings?

6 COMMISSIONER WENDT: I don't think so. I don't think I
7 can force them to do that. Because, knowing that you can still
8 transmit COVID when you have the vaccine, the boosters, you
9 know, how is that not trampling on their personal medical
10 decisions?

11 COMMISSIONER ROGERS: Again, I'm just drawing a
12 distinction between requiring vaccination versus reporting your
13 status of vaccination.

14 COMMISSIONER WENDT: Right.

15 COMMISSIONER ROGERS: It's step by step.

16 Can we know their status?

17 As Commissioner Cabonargi mentioned, the CDC
18 and all of the science that's been reported to date, that's
19 being followed by states across the country -- and the federal
20 government indicates -- and our county, specifically -- that
21 the chances of transmission and the impact of this disease, if
22 transmitted, are dramatically reduced with vaccination.

23 COMMISSIONER WENDT: But that's not settled science.

24 COMMISSIONER ROGERS: Okay. Irrespective, again, your

1 status, just your status, whether you are or are not
2 vaccinated, is that something that you will require your staff
3 to report in compliance with this policy?

4 COMMISSIONER WENDT: Will the lack of reporting
5 jeopardize their employment?

6 COMMISSIONER ROGERS: Will the lack of reporting? I
7 don't believe that's --

8 Will it jeopardize their employment? Well,
9 you actually hire these individuals, so you will make the
10 decision in that regard to some extent.

11 COMMISSIONER WENDT: Yeah.

12 COMMISSIONER ROGERS: So, again, will you require that
13 they report whether they are or are not vaccinated, just so
14 everyone else can operate from an informed standpoint?

15 COMMISSIONER WENDT: Nearly 20 states have eliminated any
16 mandate.

17 COMMISSIONER ROGERS: Is that Illinois?

18 COMMISSIONER WENDT: No.

19 COMMISSIONER ROGERS: Okay. We live in Illinois.

20 COMMISSIONER WENDT: We live in the United States, and
21 nearly 20 states have eliminated it. This is a fluid. This is
22 a fluid legal matter changing every day.

23 Just the fact that they have -- that the 6th
24 Circuit has eliminated this mandate, you know, we don't know

1 what's coming. I can't -- I can't tell my staff what to do
2 when it comes to a medical decision. I can't ask them to
3 disclose something to me that I think is private. I think it's
4 a private matter.

5 But, again, I want to speak to an attorney on
6 this to advise me more before I -- you know, before I make a
7 decision. It needs to be an informed decision.

8 COMMISSIONER ROGERS: Okay. So just so the record is
9 clear, you will require them to wear masks, which is a personal
10 decision; but you won't require them to report their
11 vaccination status because you think that's a personal
12 decision?

13 COMMISSIONER WENDT: That's not -- no, not right now. I
14 can't decide that. I actually can't answer that right now. I
15 need to speak to an attorney before I can say to my staff, you
16 know, "You need to tell me your medical -- all of your medical
17 business". I can't tell them that until I talk to an attorney
18 who's going to tell me that that's okay to do.

19 I mean, this is -- I'm not stepping on
20 people's rights. I'm not going to do it.

21 COMMISSIONER CABONARGI: So I guess I have a question for
22 you, Commissioner Wendt. Again, all of the science -- all of
23 the credible science has shown, over the past 18 months, that
24 this is a highly transmittable disease that can do long-term

1 damage.

2 So what's going to happen if you won't require
3 your staff to tell you and us if they've been vaccinated and we
4 are putting together a return-to-work plan? Do we let them in
5 to work if they haven't told us if they've been vaccinated or
6 not?

7 COMMISSIONER WENDT: So true safety -- for true safety
8 everyone should be tested. Masks are reasonable. I can tell
9 people, "You need to wear a mask", because that's a reasonable
10 request. But I guess everyone needs to be tested for
11 actually -- for true safety, because it can be transmitted from
12 vaccinated people.

13 COMMISSIONER CABONARGI: So you just said that you are
14 supporting a mandatory testing but not mandatory disclosure of
15 the results of those tests? I'm confused.

16 COMMISSIONER WENDT: No, I didn't.

17 COMMISSIONER CABONARGI: You just said that you wouldn't
18 require your staff to disclose if they've been vaccinated or
19 not, but you do want to mandate testing.

20 COMMISSIONER WENDT: I guess what I'm saying is, if
21 you're going to mandate testing, you can't just ask people to
22 test -- or require people to test who aren't vaccinated. It
23 would have to be everyone. And I'm just throwing that out
24 there. I can't -- I'm not giving you formalities right now.

1 COMMISSIONER CABONARGI: I'm just getting back to the
2 operational side of this. We're getting closer to being able
3 to have the staff return to the office.

4 You know, again, we just opened up four
5 townships, and we're starting to see that file flow come into
6 the office from the Assessor's Office, so we know that we're
7 already -- because of the Assessor we're 6 months late in
8 getting those files, so we know that staff is going to be
9 working an extraordinary amount of overtime. And we're, most
10 likely, going to have the staff back at the office not just for
11 an 8-hour day but for 10, 12-hour days and on weekends.

12 So in terms of the planning, we need to know
13 who has been vaccinated so that we can put together these
14 hybrid schedules. Because, again, it's vaccinations. It's
15 masking, but it's also putting space between people. And we
16 have to do that space-planning based upon vaccinations and the
17 results.

18 So if we don't know who has been vaccinated,
19 how do we do that space planning? How do we even know to let
20 people back into office? How do we know that they can get off
21 of the elevator on 6 and come into the space of their
22 colleagues if they haven't been vaccinated?

23 COMMISSIONER WENDT: I mean, how do we know if they have
24 COVID without testing? I mean, I'm not advocating for testing

1 everybody. I'm just saying, you know, the only way to really
2 know is testing.

3 COMMISSIONER CABONARGI: Our policy -- and to your point,
4 our policy says, if you are symptomatic, if you've got symptoms
5 of COVID, stay home -- stay home. It's the same policy that
6 everyone has. It's the trust of the employees that they're
7 going to do what's best for themselves, and their family, and
8 their colleagues.

9 So while you're in the office, in your
10 particular office, if your door is closed, you can take your
11 mask off. And then if leave your private office to go down the
12 hallway, keep your mask on. If you're engaging with the
13 public, have your mask on. We collect the survey so we know
14 whether you've been vaccinated or not.

15 COMMISSIONER WENDT: And people without symptoms still
16 test positive. So, you know, staying home...

17 COMMISSIONER CABONARGI: There is an overwhelming small
18 amount of non-symptomatic breakthrough cases, but that's not
19 what the policy is built around. The policy is built around
20 the science, which is, the majority of people, if they're
21 vaccinated, have boosters, put space between each other, and
22 are masked, we can get back to operating, more or less,
23 normally.

24 COMMISSIONER ROGERS: And, to your point, none of us can

1 force anything; but we have to, as leaders, establish policies
2 and lead by example and then enforce those policies.

3 So, you know, you keep saying that you're not
4 going to -- you can't force someone to do something.

5 Obviously, no one is advocating for physical force. But, as a
6 leader in an agency, an elected individual, it's important that
7 we set policies that are important for the safety of the public
8 as well as employees. And that's what I think this is aimed
9 at, at giving clarity.

10 For instance, if you want me to vote against
11 Mike's motion, then I would like to have an appreciation and
12 understanding as to why that's a sound position to take. And
13 saying, "I can't force people to report their vaccination
14 status", is not what the motion is.

15 The motion is that we have a policy to impress
16 upon our agents, our employees, that we want to know your
17 status, because there are a hundred-plus individuals that work
18 here, in addition to the public that engages with them, that
19 are entitled to the safest work environment possible.

20 So, again, I will ask you will you tell us
21 whether you are vaccinated?

22 COMMISSIONER WENDT: The survey is part of the policy
23 that I am not comfortable enforcing. So this just -- you know,
24 I mean, we're going round and round here. I've already stated

1 how I -- I think we need legal advice on this.

2 We're not doctors. You both keep speaking
3 about what the experts say. None of it is settled science. I
4 mean, look at all of these variants now. Why would you even
5 talk about coming back to work when there's more people getting
6 COVID and passing and spreading COVID than there was when we
7 first went remote? I don't understand it.

8 And if it was like the polio vaccine where we
9 knew we weren't going to get polio -- but it's not. People are
10 still getting it and dying when they have the vaccine.

11 COMMISSIONER ROGERS: Did you say "polio"?

12 COMMISSIONER WENDT: Yeah. I'm using that as an example.
13 People don't get it when they get the vaccine.

14 COMMISSIONER CABONARGI: So, Commissioner Wendt, are you
15 saying that it's not settled science that being vaccinated is a
16 public benefit?

17 COMMISSIONER WENDT: It is not settled science that the
18 statements that you're making that you're going to be safe if
19 you have boosters and a vaccine. No, that's not settled.

20 COMMISSIONER CABONARGI: I'm just curious here. So you
21 don't think being vaccinated against the COVID virus makes you
22 safer?

23 COMMISSIONER WENDT: I'm not a doctor. I just -- I just
24 know people are getting it, and people are dying.

1 COMMISSIONER CABONARGI: No, I'm not either. That's why
2 I use my Cook County healthcare insurance to go to a doctor who
3 says get vaccinated, get your booster, cover your mouth when
4 you sneeze, wear a mask when you're in public.

5 But, you know, I think you're right,
6 Commissioner Wendt. I don't know if we're going to make much
7 more progress on this here today. So I'm sorry. I would like
8 to renew my calling of the question.

9 I would move that we make the previously
10 disclosed and agreed upon vaccine policy the Board of Review's
11 official policy.

12 COMMISSIONER ROGERS: Hearing the motion, is there a
13 second?

14 (No response.)

15 COMMISSIONER ROGERS: I second the motion.

16 Any discussion? Any further discussion?

17 (No response.)

18 COMMISSIONER ROGERS: Hearing none, I'll call the
19 question.

20 All in favor of formally adopting the
21 vaccination policy that's been previously placed into effect by
22 our staff vote by indicating "aye".

23 COMMISSIONER CABONARGI: Aye.

24 COMMISSIONER ROGERS: Aye.

1 All of those against implementation of the
2 vaccine policy at the Board of Review indicate so by saying
3 "nay".

4 COMMISSIONER WENDT: Nay.

5 COMMISSIONER ROGERS: Let the record reflect that the
6 "ayes" have it. The Board of Review formally has a vaccination
7 nation policy, as previously circulated and implemented by the
8 staff. And that policy is in effect and applicable to all
9 employees and elected officials at the Board of Review by a
10 majority vote of Commissioners. I'd ask that --

11 William, can you ensure that that policy be
12 circulated and the staff shall designate and additional date by
13 which we are notified of the vaccination status of all
14 employees and elected officials of the agency, if not
15 previously provided, so that we have an updated status?

16 Commissioner Wendt indicated that she didn't
17 know the status. Let's get an updated status on everyone's
18 vaccination status. I would say no later than 7 days from
19 today we should have some report in that regard. And, again,
20 that applies to all Board of Review employees and elected
21 officials, if not previously provided.

22 COMMISSIONER WILLIAMS O'SHIELDS: Will do.

23 COMMISSIONER CABONARGI: Chairman, if I can also suggest,
24 too, William, that Commissioner Wendt said that her staff was

1 waiting for accommodation forms. If there's any other forms or
2 paperwork that are outstanding in that 7-day time window, if we
3 can also get those forms to the staff.

4 COMMISSIONER WILLIAMS O'SHIELDS: One thing that I'd like
5 to point out in regards to the survey: if you failed to respond
6 to the survey, then you wouldn't -- it was not a query to
7 basically request the forms. So in order to receive the forms,
8 you still have to respond to the survey.

9 Say, for instance, if we were seeking
10 accommodation of exemptions, you would have to notify the
11 secretary board through answering the survey to request those
12 forms. So, again, if a Board employee was not responsive, then
13 they wouldn't have the form because they failed to respond.

14 COMMISSIONER WENDT: No, that's not what happened.
15 People did ask Jim for a form and did respond, from what I was
16 told. And I only know this because I was asked by somebody
17 personally, "What's going on?", "Why am I not receiving a
18 form?". So I know that Jim -- you know, October 4 was the last
19 status that we received.

20 COMMISSIONER ROGERS: Well, again, I would also --
21 Given that the policy has been formally
22 adopted by the Commission -- a majority of the Commissioners, I
23 would ask each Commissioner to comply with the policy by making
24 sure that their respective staffs are instructed of the policy

1 and the need to comply with the policy, as it has been formally
2 passed by a majority of the Commissioners of the Board.

3 COMMISSIONER WENDT: Could we discuss the 2022 monthly
4 calendar?

5 COMMISSIONER ROGERS: Yes. That's the next item on the
6 Agenda.

7 COMMISSIONER WENDT: I just think that the Board should
8 meet on a regular schedule, the three of us, to discuss
9 operations, budgeting, public engagement, and other important
10 issues as they arise.

11 An example would be the first Monday of every
12 month, 9:30, and then posting the schedule on site at the Board
13 of Review as well as on our web site of when we're going to
14 meet.

15 COMMISSIONER ROGERS: Okay. So you're proposing that we
16 have a monthly meeting -- a formal monthly meeting at the
17 Board. Is your proposal specifically the first Monday of every
18 month?

19 COMMISSIONER WENDT: No. No. That's just an example.
20 Whatever is convenient for everyone.

21 COMMISSIONER ROGERS: And that would be beginning in
22 January, I assume?

23 COMMISSIONER WENDT: Yeah.

24 COMMISSIONER ROGERS: Okay. Any thoughts or discussion

1 on that point?

2 (No response.)

3 COMMISSIONER WENDT: Okay. Go ahead.

4 COMMISSIONER ROGERS: You know, just to reiterate the
5 schedule that we kind of participate in -- we have a formal
6 meeting. We have formal meetings at the Board of Review that
7 are intended to address the beginning of the session, the
8 opening of the session, the close of the session; and,
9 specifically, they empower the Agency to hear appeals and
10 adjudicate appeals.

11 As of right now, December 6th, we have
12 received, I believe, four townships that are opening today that
13 will close January 4th. That's 4 out of 38 townships. This is
14 the latest that we have received towns since -- I believe since
15 I've been an elected Commissioner. And that's not in any part
16 due to our staff. It's due to the untimely decisions by the
17 Cook County Assessor's Office, Fritz Kaegi.

18 We have been promised towns virtually monthly,
19 or on an every other month basis. And, again, only today --
20 only recently have we received these four towns so that we can
21 open up December 6th.

22 I say all of that to say that we're going to
23 have a very, very challenging schedule going forward, and there
24 will be very little time to waste with meetings that do not

1 have specific Agenda items to discuss. We don't have time to
2 just meet for the sake of meeting.

3 There are mechanisms in place for calling a
4 meeting when there needs to be a meeting. It doesn't require
5 anything extensive beyond publication and a request.
6 Therefore, I don't know that regularly scheduled monthly
7 meetings without specific Agenda items are in the best interest
8 and use of our time.

9 That's just kind of my comment of observation.

10 COMMISSIONER CABONARGI: Yeah. If I can -- yeah, if I
11 can just add to that, I mean, I'm open to meeting next month;
12 but I'm unwilling, at this time, to commit to doing it every
13 month when, to be honest with you, I think it's more important
14 that our first deputy and senior staff time be put on working
15 through the avalanche of files that's going to be coming to
16 them.

17 You know, I'm going to say that the staff at
18 the Board of Review communicates well, and they work well
19 together, especially the senior staff. I think the regular
20 chiefs meeting, as we've seen are the way that, largely, the
21 administrative work gets done. But as we start to gear up for
22 their time, going from administrative to actual file
23 production, as Commissioner Rogers said, four townships are
24 open. We're going to need more and better communication with

1 the Assessor's Office, and we're really going to be stressing
2 our systems, human and computer.

3 So that staff time is going to need to be
4 focused on hearing appeals and helping taxpayers' appeals get
5 heard in a timely manner. So I'm certainly open to meeting
6 next month as well.

7 I'm going to say that it's better to have an
8 Agenda. Anybody who calls a meeting has to have an Agenda. I
9 don't want to take time just to -- I just don't want to take
10 time to --

11 Well, under Other Business it's "Discuss
12 Pledge of Allegiance, Vaccine Policy Ratification, and Monthly
13 Meetings". So, you know, I'm always happy to meet. I would
14 just expect that there would be an Agenda. And if there's
15 motions or something that needs to be looked at and reviewed,
16 give it to me in a timely fashion ahead of time so I can review
17 it. But I'm happy to meet next week as well.

18 COMMISSIONER WENDT: Well, I understand the constraints.
19 I just believe that as a public body you should and could, you
20 know, meet monthly. It could be 10 minutes, if there's nothing
21 to talk about. But as we get to important issues, like
22 budgets, we should probably have monthly reports on the budgets
23 presented to us by the secretary or a budget specialist.

24 COMMISSIONER ROGERS: Well, I have no opposition or

1 disagreement with meeting in January as well. I think that's
2 an initial good start to your proposal. We can always decide
3 at or soon after the January meeting about the need for a
4 February meeting.

5 So if you're open to, Commissioner Wendt, a
6 suggestion that we meet the first Monday of January, we can
7 begin the process of at least a regular meeting beginning
8 January -- again, the first Monday in January, whatever date
9 that is.

10 COMMISSIONER WENDT: Thank you.

11 COMMISSIONER CABONARGI: I think it's January 3rd; and
12 that works fine for me.

13 COMMISSIONER ROGERS: Okay. Is there a motion to have a
14 formal, publicized Board of Review meeting on January 3rd?

15 COMMISSIONER WENDT: I'll make that motion.

16 COMMISSIONER ROGERS: Is it seconded?

17 COMMISSIONER CABONARGI: Yeah, I'll second it. 9:30? We
18 probably should put a time on there. 9:30, on Monday, the 3rd?
19 Yeah, I'll second it.

20 COMMISSIONER ROGERS: All in favor of the Board of Review
21 meeting on Monday, January 3rd, at 9:30 a.m., indicate so by
22 saying "aye".

23 (Chorus of ayes.)

24 COMMISSIONER ROGERS: Let the record reflect that the

1 motion passes with unanimous vote.

2 COMMISSIONER WENDT: Thank you.

3 COMMISSIONER ROGERS: Sure.

4 Hearing no other --

5 Any other business?

6 (No response.)

7 COMMISSIONER ROGERS: Moving to the next item, any public
8 commentary regarding the items that have been discussed or any
9 outstanding issues the public wishes to comment on? If so,
10 unmute yourself and make yourself be known.

11 MR. CHRIS BELZ: Chairman Rogers, we have a couple of
12 questions that came in. The first: Will there be an attorney
13 meeting scheduled with the opening of the BOR schedule?

14 COMMISSIONER ROGERS: William, I'll let you address that.

15 COMMISSIONER WILLIAMS O'SHIELDS: In regards to the
16 question of whether or not there will be attorney meetings
17 scheduled, opening of the Board, we've already conducted 2021
18 tax year attorneys' meeting. That was back in August. So
19 there will be no additional, quote, unquote, attorneys'
20 meeting.

21 COMMISSIONER ROGERS: William, I believe the information
22 provided at the attorneys' meeting was and is still available
23 online. Is that accurate?

24 (No response.)

1 MR. CHRIS BELZ: We have one more question, Chairman
2 Rogers --

3 I'm sorry. Commissioner Rogers, I think
4 William went mute before your question was asked. But, yes,
5 that's accurate. The attorney meeting video is on our web
6 site. It's available for -- well, everybody, especially the
7 practitioners.

8 COMMISSIONER ROGERS: Okay.

9 MR. CHRIS BELZ: And we'll place the link to that meeting
10 on the chat.

11 The next question is by "Anonymous". It says,
12 quote, "Just vote. 2 out of 3 is the majority. Right?", end
13 quote.

14 COMMISSIONER ROGERS: That's not a question.

15 COMMISSIONER WENDT: I have a question. How is the
16 public able to participate on here? Are they able to sign in
17 on the Zoom -- or on the Teams? Chris, can you answer that?

18 MR. CHRIS BELZ: Yes. There's a public participation
19 link where the public can type in their question; so this is
20 how we're getting these questions currently.

21 COMMISSIONER WENDT: Okay. Thank you.

22 COMMISSIONER ROGERS: Any other public commentary or
23 questions?

24 MR. CHRIS BELZ: That is it.

1 COMMISSIONER WENDT: Do we have a policy on public
2 commentary, a Board of Review policy?

3 COMMISSIONER ROGERS: I'm sorry? A policy? What type of
4 policy on public commentary?

5 COMMISSIONER WENDT: Like, an official policy that the
6 public can come on and comment, you know, a 3-minute...

7 I know that that's a Cook County policy that
8 the public can come on and comment for 3 minutes. And it's
9 timed by the -- somebody times it. How long -- I just wondered
10 if we had an official policy.

11 COMMISSIONER ROGERS: I don't believe we've had a problem
12 public commentary to date. If you'd like to propose
13 something...

14 COMMISSIONER WENDT: I just wondered if they were allowed
15 to speak orally. I know that he said those were written
16 questions. But do we have an option where they can come on
17 video or audio?

18 COMMISSIONER CABONARGI: I just want jump in here.

19 We follow whatever the law is here, in terms
20 of having one of these meetings done remotely. As I mentioned,
21 Commissioner Wendt, like usually what would happen is the three
22 Commissioners would be in the hearing room together doing this,
23 and we would assemble the staff and the Board of Review
24 together to get folks together to have this in front of them

1 and also to walk them through what we're seeing, in terms of
2 the file flow and the township opening. So it functions as a
3 Board -- official Board meeting but also as a staff meeting,
4 because it's an opportunity to get everyone together.

5 So my understanding is we started doing these
6 a year ago. We're just following the guidance that says have a
7 publicly available Teams link for the public, and they can
8 communicate here.

9 I do want to go back and say, too -- because
10 you asked about do we do these public -- do we give the public
11 an opportunity. You know, we just voted on the July 6th
12 Minutes at the beginning of our meeting. And I just thought it
13 sounded familiar. I just looked back at those Minutes. On
14 Page 8, Line 1, Commissioner Rogers, "Are there any public
15 comments regarding today's Board of Review hearing?". And I
16 looked at the July 14th, and it was the same. So I'm sure if I
17 was back in the office right now and I looked at the previous
18 Minutes, we always have the opportunity for public comment at
19 our meetings.

20 COMMISSIONER WENDT: I was just thinking. Could we put
21 that on the Agenda for the January meeting and just formalize
22 it?

23 COMMISSIONER CABONARGI: I think we always put -- yeah, I
24 think we always put public comment on the Agenda, because I

1 think we're required to.

2 Commissioner Rogers? I'm sorry.

3 COMMISSIONER ROGERS: No, I agree. I think it's part of
4 every meeting that we have, so I don't expect January's meeting
5 to be any different.

6 That being said, it's not a formal way of
7 changing the method through which you present issues for
8 consideration, or motions for consideration. And, you know, so
9 we hope that whoever does comment publicly will be respectful
10 of our processes and procedures.

11 COMMISSIONER WENDT: I just thought we could discuss
12 formalizing it since I don't think we have a written policy. I
13 know it's a law.

14 COMMISSIONER ROGERS: Again, we're open to whatever
15 suggestions you might have. Just circulate it. If it's
16 something that you want us to vote on in January, present it as
17 a motion.

18 COMMISSIONER WENDT: Okay.

19 COMMISSIONER ROGERS: Aside from us, the chiefs do meet
20 regularly, and the chiefs are intended to meet regularly. They
21 meet regularly for the purpose of vetting these types of
22 issues, and flushing them out, and researching them so that
23 they can be presented to the Commissioners in a considered
24 fashion.

1 So I would welcome you to have your chief of
2 staff or other designee presented at the chief's meeting so
3 that they can be vetted and formally presented to the
4 Commissioners for consideration. Okay?

5 COMMISSIONER WENDT: Okay.

6 COMMISSIONER ROGERS: Moving on, is there a motion for
7 adjournment of the meeting with the Board remaining in
8 continuous session for the purposes of adjudicating appeals and
9 other matters, as required by the Illinois Property Tax Code?

10 COMMISSIONER CABONARGI: So moved.

11 COMMISSIONER WENDT: Second.

12 COMMISSIONER ROGERS: All in favor?

13 (Chorus of ayes.)

14 COMMISSIONER ROGERS: Any opposed?

15 (No response.)

16 COMMISSIONER ROGERS: Hearing none, let the record that
17 the motion passes and we stand adjourned for purposes of
18 adjudication of appeals and other matters, as required by the
19 property tax code.

20 Thanks everyone for participating, and we
21 stand adjourned.

22 COMMISSIONER WENDT: Thank you.

23 COMMISSIONER ROGERS: Oh, I'm sorry. One other
24 comment --

1 COMMISSIONER CABONARGI: Yes?

2 COMMISSIONER ROGERS: -- Jim Thompson has left the Board
3 for greener pastures, still within the property tax realm. I
4 just wanted to publicly thank him for his service to the
5 Agency. He was tireless in his work for the Board. I think he
6 provided invaluable contributions to the Agency. And I just
7 wanted to publicly acknowledge that and thank him for his
8 service.

9 I am glad to see that he's still working
10 within the property tax space. I think he has an invaluable
11 breadth of knowledge to provide to make sure that the tax
12 payers are, in fact, paying no more than they should pay in
13 property taxes. And he has, again, invaluable input to provide
14 to approve the property tax system of Cook County.

15 So thank you, Jim, for the service you have
16 provided; and I look forward to seeing what you have to add
17 moving forward in the future.

18 COMMISSIONER WENDT: Thank you, Jim.

19 COMMISSIONER CABONARGI: Also, I just want to add to
20 that, Commissioner Rogers and Commission Wendt. Thank you.

21 Jim was with the Board for 10 years. And when
22 he came to the Board, it was a paper-based system and
23 triplicate; and Jim and others of the Board led the way on
24 creating our award-winning digital appeals processing system.

1 And then, as Secretary of the Board, he and
2 the team at the Secretary's Office, working with Al Manuel and
3 the team in the Clerk's Office to get us in a remote work
4 environment. And I know back then -- again, Commissioner
5 Rogers, this was you and I -- this was before Commissioner
6 Wendt joined us -- there were real concerns about what our
7 productivity would be in March of 2020.

8 It was our busiest time of the year, with all
9 of the files being in-house, the hearings being -- in the midst
10 of hearings and us having to get our work done. It was because
11 folks worked together, and Jim made it happen at the
12 Secretary's office; and we were able to work in a remote work
13 environment. And in this past year Jim and the Secretary's
14 team have been doing a great job.

15 So, again, glad that Cook County is still
16 going to have Jim working for it on property tax matters. He's
17 got a wealth of knowledge, and we're really lucky to have him.
18 Thanks.

19 COMMISSIONER ROGERS: Any other comments?

20 (No response.)

21 COMMISSIONER ROGERS: Hearing none, we will stand
22 adjourned. Thank you, everybody.

23 COMMISSIONER CABONARGI: Thank you.

24 (Whereupon, the above entitled matter

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23 STATE OF ILLINOIS)
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Devan J. Moore, being first duly sworn on
oath, says that she is a Certified Shorthand Reporter, that she
reported in shorthand the testimony given at the taking of said
deposition and that the foregoing is a true and correct
transcript of her shorthand notes so taken as aforesaid and
contains all the testimony given by the deponent at said
deposition.

And further, that she is not connected by
blood or marriage with any of the parties to this action, nor
is she a relative or employee or attorney or counsel of any of
the parties, or financially interested directly or indirectly
in the matter in controversy.

Devan J. Moore
Certified Shorthand Reporter
License No. 084-004589



This 20th day of December
2021.