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Office Hours:
Monday- Friday
8:30 a.m.- 4:30 p.m.

**MINUTES OF THE REGULAR MEETING OF MEMBERS
OF
THE VETERANS' ASSISTANCE COMMISSION OF MADISON COUNTY, INC.**

Pursuant to call and notice to all representative delegates and alternates of the member veterans service organizations (VSOs) of the Veterans' Assistance Commission of Madison County (VACMC), the regular quarterly meeting of members was held as follows:

Date: June 15, 2023 Time: 6:30 p.m.
Place: County Board Room, Administration Building, 157 N. Main Street, Edwardsville, Illinois
Chairman of the meeting: Superintendent Bradley Lavite
Secretary of the meeting: Kate Broadhurst

The chairman called the meeting to order and directed all in attendance to stand for the Pledge of Allegiance. The chairman then called for a chaplain to give an opening prayer. At the conclusion of the opening prayer, the chairman requested the secretary to call the roll of delegates seated in March 2023. The secretary reported that there were 23 of the 2023 representatives of the VSOs present. A copy of the roll call results is appended to these minutes. There being a majority of the delegates present, in accordance with the bylaws, the chairman declared a quorum present and that the meeting was lawfully and properly convened and competent to proceed to the transaction of further business.

The proposed minutes of the March 16, 2023, meeting were distributed according to the Agenda; however, a motion to approve was overlooked or it was not recorded. Therefore, the approval of the minutes will be taken up at the next regularly scheduled commission meeting on September 21, 2023.

The chairman then presented the 2nd Quarter of Fiscal Year 2023 Commission Report and stated that a copy thereof had been delivered to each of the 2023 representatives at the meeting. After the presentation, the chairman called for a motion to approve and to file the report for future reference.

Thereupon, on motion made by representative Ken Morales, seconded by representative Ronnie Hicks, and carried by at least a majority of member representatives entitled to vote, the following resolution was adopted:

RESOLVED, that the report of the superintendent on the 2nd Quarter of Fiscal Year 2023 and the acts of the Executive Board through May 03, 2023, and the acts of the superintendent during all of the preceding quarter (03/01/23 through 05/31/23) as described in that report are hereby fully approved, ratified, and affirmed.

The chairman then turned to any other information and activity which he deemed to be of interest to the Commission. He reported the following:

- A. The Commission was advised of the resignation of the DAV Transportation Network Driver Coordinator and the need for additional volunteer drivers to rebuild the network. It was advised that a series of meetings will be planned with the DAV to support them as appropriate.
- B. The Commission was advised that VACMC Administrative Assistant Jeffrey Sherwood's leave was approved.
- C. The Commission was advised that Administrative Assistant Devin Daniels passed the National Association of County Veterans Service Officers (NACVSO) Accreditation Exam and is in the process of gaining access to various systems needed as a promotion to a Veteran Service Officer (VSO).
- D. The Commission was advised about the hiring of Administrative Assistants Michelle Henline and Bret Sandvoss.

The chairman then announced that he was not aware of any Unfinished Business that needed to be addressed and called for the membership to be recognized if they had any old business they wished the membership to address. No member representative requested to be recognized.

The chairman then moved on to New Business. The following was presented and discussed:

The chairman first discussed the packet containing the items mentioned below that had been mailed on May 30, 2023, to representatives for their review to gain a better understanding of the New VACMC Bylaws and Policies. Hard copies also were made available to those in attendance. The packet contained the following documents: 2023 VACMC Policy Adoption, 2023 VACMC Bylaws, One-Page Summary, and Memorandum of Law. The One-Page Summary was followed and used as an outline for representatives to refer and to follow along as the New VACMC Bylaws and the New VACMC Policies were discussed. The chairman then read and discussed the reasoning and the purpose behind the drafting of the Memorandum of Law as it pertained to P.A. 102-1132 (HB 2369), otherwise known as the Military Veterans Assistance Act (MVAA). The chairman then proceeded to go over all of the key points of the One-Page Summary, and all representatives in attendance engaged in an open back-and-forth dialogue as it pertained to each key point. Several items were separately considered as motions and voted on separately to be included in the New VACMC ByLaws. A summary of each key point that was discussed and any motions are reflected below:

One-Page Summary Items, pertaining to §8, §9, and §10 of the MVAA:

- §8 – No discussion ensued
- §9 Item 1 – No discussion ensued
- §9 Item 2 – No discussion ensued
- §9 Item 3 – No discussion ensued
- §9 Item 4 – Discussion ensued over the language surrounding the annual evaluation requirement of a superintendent. It was decided to add in "at a minimum or at least," to Art. IV §6 President of the 2023 VACMC New Bylaws.
- §9 Item 5 – Discussion ensued over the language surrounding the request, the procedure, and the vote to remove a superintendent and how the VACMC Commission desired to carry such removal, if ever needed. It was decided to add in that, for the removal of a superintendent, "a written request from three (3) different and separate VSOs (i.e., one {1} VFW, one {1} DAV, and one {1} American Legion) shall be required," to Art. IV §5 Removal of the 2023 VACMC New Bylaws.

Thereupon, on motion made by representative Terry Sheppard and seconded by representative Chris Johnson, the chairman conducted a roll call vote as requested by representative Terry Sheppard specifically pertaining to MVAA §9 Item 5. The secretary reported that 18 voted in favor of the motion, and 3 voted against. The chairman declared that the motion was carried by at least a two-thirds (2/3) majority of member representatives present, and the following resolution was adopted:

RESOLVED, that for the removal of a superintendent, "a written request from three (3) different and separate VSOs (i.e., one {1} VFW, one {1} DAV, and one {1} American Legion) shall be required" and included in Art. V §5 Removal of the 2023 VACMC New Bylaws is hereby fully approved, ratified, and affirmed.

- §9 Item 6 – No discussion ensued
- §9 Item 7 – Discussion ensued over the language requiring the Commission to "adopt all applicable policies" in the County. The chairman referenced the New VACMC Policies document and reiterated the applicable areas, as well as how to properly report. Various representatives weighed in and shared their opinions, as well as their reasons, for supporting and adopting the New VACMC Policies on its merits.
- §9 Item 8 – No discussion ensued
- §10 – No discussion ensued

The chairman announced moving on to the document titled the 2023 VACMC New Bylaws which had been mailed on May 30, 2023, to all representatives and post commanders for their review. Additional questions, along with suggested changes and/or updates not resolved in the One-Page Summary Key Points Discussion by the representatives present throughout the meeting pertaining to the New VACMC Bylaws, were captured as best as possible. The chairman also encouraged open dialogue and answered questions throughout the entirety of the meeting pertaining to items as outlined on the Agenda to ensure that all voices were heard and that questions relevant to the business at hand were fully asked and answered by all present. VACMC Attorney Thomas Burkart also was contacted to ensure that questions raised throughout the meeting were properly answered.

Representative Bradley Yount inquired as to whom drafted the New VACMC Bylaws. It was advised that VACMC Attorney Thomas Burkart drafted the New VACMC Bylaws, so that they could be properly aligned with and grounded in law. Representative Yount later asked if recommendations and suggestions could be sent via electronic means or otherwise by the next meeting. He was advised by the chairman that anyone could do so, and they would be captured for consideration.

Representative Larry Miller asked a series of questions pertaining to various sections of the New VACMC Bylaws, and each question and/or suggestion was captured as best as possible for consideration and answered by VACMC Attorney Thomas Burkart.

Representative Dennis Poehler made a motion to remove names out of the bylaws, but a recommendation for removal of such had already been proposed and discussed by representative Larry Miller.

Representative Alonzo Skipper asked again about the timeline for the review and the approval of the 2023 New VACMC Bylaws. He reiterated that the mailing did not give his post membership enough time to review. The chairman advised representative Alonzo Skipper that,

since they were new bylaws, they did not have the same review and approval timeline as amended bylaws. It also was reiterated that the Commission did not have to act or to vote on the New VACMC Bylaws, since they had just reviewed them and resulted in a few revisions that were brought forth earlier and throughout the meeting.

After hearing no more questions, VACMC Attorney Thomas Burkart was consulted via phone during the meeting to answer and/or to provide guidance on the revisions and/or suggested changes that were brought forth throughout the meeting. After consultation with Mr. Burkart ended, the chairman advised that all resolutions, suggested changes, and/or updates to the New VACMC Bylaws, as discussed, will be incorporated into an updated set and will be redistributed to the Commission for consideration at the September 21, 2023, 3rd Quarter Meeting.

Thereupon, on motion made by representative Larry Miller, seconded by representative Earl Watts, and carried by at least a majority of member representatives entitled to vote, the membership unanimously approved by a Yea/Nay vote to table the passage of the New VACMC Bylaws until the September 21, 2023, 3rd Quarter Meeting.

While the original motion to table the passage of the New VACMC Bylaws was being considered, representative Alonzo Skipper asked to amend the motion to come back in thirty (30) days on July 18, 2023, to finalize the MCVAC New Bylaws. After discussion and consideration of the amended motion, it died for a lack of a second.

RESOLVED, that the passage of the New VACMC Bylaws is hereby tabled until the September 21, 2023, 3rd Quarter Meeting after suggested changes and/or updates can be made is hereby fully approved, ratified, and affirmed.

The chairman announced and moved on to the 2023 VACMC Policy Adoption document and proceeded to go over the key points. All representatives in attendance engaged in an open back-and-forth dialogue as it pertained to VACMC Policies. VACMC Attorney Thomas Burkart was asked about and clarified the phrase “all applicable policies,” so representatives would better understand the legal framework and reasoning as outlined in the document.

Representative Bradley Yount inquired as to whom drafted the Policy Adoption document, and it was advised that VACMC Attorney Thomas Burkart drafted the policies, so that they could be properly aligned with and grounded in law.

Representative Earl Watts made a statement concerning having someone come in and discuss specific policies. He expressed that policies should have been in place last January.

Representative Chris Johnson made a statement concerning his understanding of the Commission having to “cherry pick” which policies were and were not applicable to the VACMC organizational structure would take forever and was unneeded.

Thereupon, on motion made by representative Larry Miller, seconded by representative Larry Meisenheimer, and carried by at least a majority of member representatives entitled to vote, the membership unanimously approved by a Yea/Nay vote the 2023 VACMC Policy Adoption document. The secretary is directed to provide a final copy of the same with all approved changes to be filed in the corporate records for future reference. A copy is appended to these minutes.

RESOLVED, that the 2023 VACMC Policy Adoption document is hereby fully approved, ratified, and affirmed.

The chairman announced and moved on to the 2024 VACMC Annual Budget Request for funding that is due to the County for its adoption of a budget and levy for the upcoming FY 2024. The chairman reported that last year, prior to the passage of the new amendments to the Military Veterans Assistance Act (MVAA), the Executive Board authorized the superintendent to request less than the statutorily mandated 0.02 percent of the assessed valuation of all real estate in the County, if, and only if, the County agrees to stop obstructing the VACMC's "unfettered" access to its surplus funds. The new amendments prohibit the Executive Board from acting for the membership and specifically require the authority of the entire membership to request less than the 0.02 percent.

Thereupon, on motion made by representative Ken Morales, seconded by representative Larry Miller, and carried by at least a majority of member representatives entitled to vote, the membership authorized the superintendent, in the VACMC's annual request for funding of FY 2024, to request less than the statutorily mandated 0.02 percent of the assessed valuation, **if, and only if**, the County agrees, by resolution adopted by its Board, to grant the VACMC's "unfettered" access to its surplus funds.

RESOLVED, that the 2024 VACMC Annual Budget Request is hereby fully approved, ratified, and affirmed.

The chairman then called for any representatives of the members to be recognized for the purpose of new business they wished the membership to address.

Representative Larry Miller was recognized and inquired about several rumors regarding veterans being asked to do work or chores in order to get an appointment, as well as veterans being referred to Board Members for medical care. The superintendent advised that he was not aware of any such issues related to such rumors. Larry Miller also stated that he had Cardinal Baseball tickets available for an upcoming game.

Representative Ken Morales was recognized, and he stated that representative Ron Swaim was chosen to go on an upcoming Honor Flight.

The chairman then called for any member of the public who wished to address the membership under the Open Meetings Act to be recognized. John Kraft was recognized and spoke for approximately 5 minutes. No other member of the public requested to be recognized.

There being no further business to come before the membership at this regular membership meeting, the meeting was adjourned at 9:06 p.m. upon motion made by representative Ron Swaim, seconded by representative Ron Hicks, and duly carried by voice vote.

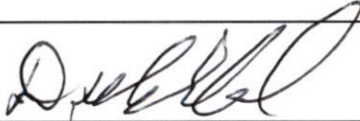
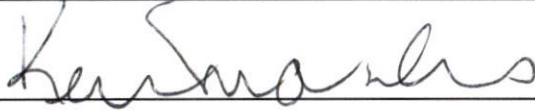

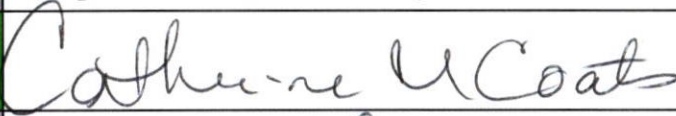
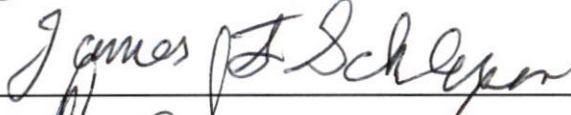
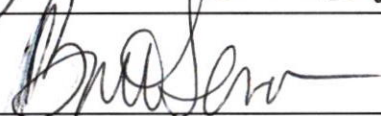

Kate Broadhurst, Secretary

2023 Delegate / Alternate Commission Membership Sign-In Sheet

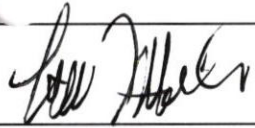


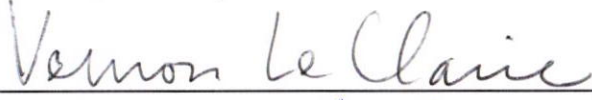

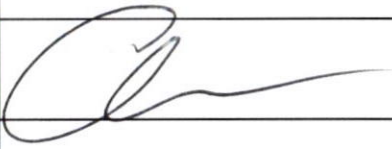

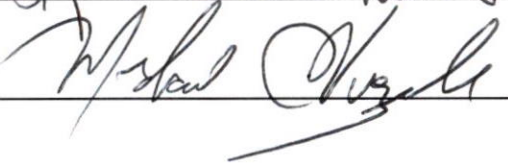
Veterans' Assistance Commission of Madison County

June 15, 2023, at 6:30 p.m.

Post	Position	Name	Sign-In Signature
American Legion #113	Delegate	Ron Chiodini	<i>Ron Chiodini</i>
	Alternate	Anthony Bargiel	
American Legion #126	Delegate	Tim Connell	<i>Tim Connell</i>
	Alternate	Greg Gates	
American Legion #199	Delegate	Ron Swaim	<i>Ron Swaim</i>
	Alternate	Wes Sterling	<i>Wes Sterling</i>
American Legion #214	Delegate	Larry Meisenheimer	<i>Larry Meisenheimer</i>
	Alternate	No Alternate Certified	
American Legion #307	Delegate	Donald Scheyer	
	Alternate	David L. Johnson	<i>David L. Johnson</i>
American Legion #354	Delegate	Earl Watts	<i>Earl C. Watts</i>
	Alternate	Joshua Young	<i>Joshua Young</i>

American Legion #365	Delegate	Larry E. Rose	
	Alternate	Wayne Powers	
American Legion #435	Delegate	David L. Cobbel	
	Alternate	Mike Harbison	
American Legion #439	Delegate	Ken Morales	
	Alternate	Bryan Winsor	
American Legion #564	Delegate	John Oltmann	
	Alternate	Dennis Poehler	
American Legion #665	Delegate	Catherine M. Coats	
	Alternate	James Schleper	
American Legion #708	Delegate	Brett Leman	
	Alternate	Kim Schoerner	
American Legion #794	Delegate	Christopher Johnson	
	Alternate	Phillip Stephens	

American Legion #1167	Delegate	Richard Liljenberg	
	Alternate	Vernon Cunningham	
AMVETS #51	Delegate	Christopher Miller	
	Alternate	No Alternate Certified	
AMVETS #204	Delegate	No Delegate Certified	
	Alternate	No Alternate Certified	
DAV #53	Delegate	Terry Shepherd	
	Alternate	Dave Borth	
DAV #90	Delegate	David Cotton	
	Alternate	Jerry Keel	
Marine Corps League #1160	Delegate	Mark O. Nelson	
	Alternate	Glenn L. Heimer	
VFW #976	Delegate	Anthony Avers	
	Alternate	Tim O'Donnell	

VFW #1299	Delegate	Larry Miller	
	Alternate	Richard Dickover	
VFW #1300	Delegate	Jamie Shupp	
	Alternate	David Huniak	
VFW #1308	Delegate	Steve Kapcoe	
	Alternate	Brad Yount	 Brad Yount
VFW #2222	Delegate	Ronnie Hicks	
	Alternate	Vernon LeClaire Jr.	
VFW #2859	Delegate	Scott Kirsch	
	Alternate	Leroy Duncan	
VFW #5691	Delegate	Joseph Skipper (Alonzo)	
	Alternate	Theodore Jackson	
VFW #5694	Delegate	Kate Broadhurst	
	Alternate	Michael Voegele	

VFW #7678	Delegate	Chris Miller	
	Alternate	Tim Brown	

**POLICY ADOPTION
OF
THE VETERANS' ASSISTANCE COMMISSION OF MADISON COUNTY, INC.
A NOT-FOR-PROFIT CORPORATION OPERATING PURSUANT TO THE
ILLINOIS MILITARY VETERANS ASSISTANCE ACT**

I. Explanatory Introduction. §10 of P.A. 102-1132 amended §9 of the Military Veterans Assistance Act (MVAA) to add the following language which this Commission finds to be vague, ambiguous, and difficult, if not impossible, to implement without glaring contradictions and inconsistencies:

“(g) Each Veterans Assistance Commission shall, in writing, adopt all applicable policies already established and in place in its respective county, including, but not limited to, policies related to compensation, employee rights, ethics, procurement, and budget, and shall adapt those policies to fit its organizational structure. Those policies shall then be considered the policies of the Veterans Assistance Commission and they shall be implemented and adhered to, accordingly, by the superintendent and by the Commission. The Commission shall amend its adopted policies whenever a county board amends an applicable policy within 60 days of the county board amendment.”

The phrase “***all applicable policies***,” without restriction to a particular entity, implies that Veterans’ Assistance Commission of Madison County (VACMC) is to adopt every policy of every governmental unit in the county that has a policy “established and in place.” The follow-on sentence requiring the Commission to amend its policies when the County Board amends its policies is of little help, as the Public Act limits that requirement to only “applicable” county policies. Also frustrating this Commission’s attempt to comply with this new legislative directive is the fact that, in the same section of this particular Public Act, the legislature chose to retain the language in subparagraph (g) of §10 of the MVAA which reads as follows:

“The superintendent and other employees shall be employees of the Veterans Assistance Commission, and no provision in this Section **or elsewhere in this Act** shall be construed to mean that they are employees of the county.”

Both the Madison County Personnel Policy Handbook (2022) and the Personnel Policies for County Board Supervisory, Professional, Confidential, and Non-union Employees (2022) state that they are “*applicable*” to county employees; and, in every instance, they direct employees to address their specific questions to their supervisor/department head or the County Board Personnel Department. Appeal to the County Board Personnel Department is inconsistent with the independence of the VACMC as expressed in §10(g) and caselaw. *Lavite v. Dunstan*, 2019 IL App (5th) 170114. Furthermore, the blanket adoption of Madison County’s policy handbooks, which refer its employees to various collective bargaining agreements, and in the case of non-union employees to a grievance procedure that appeals to the County Board Chairman Pro-tem, is inconsistent with the express statutory language inserted by the legislature in this particular Public Act that “[e]mployees of the Commission shall be ‘**at will**’ employees.” (last sentence of 330 ILCS 45/10(h)). Most of the policies adopted and in place for the Madison County Board, assuming the required adoption is limited to that governmental unit, are contrary to the statutory language expressly retained by P.A. 102-1132 found in subparagraph (k) of new §10 of the MVAA, namely:

“All persons selected or appointed to fill positions provided for in this Section shall be exempt from the operation and provisions of any civil service act or laws of this State” (330 ILCS 45/10(k)).

This policy adoption is this Commission’s good faith attempt to comply with the legislative directive of P.A. 102-1132. This Commission proceeds in accordance with the legislative directive in the new §9(g), which

directs this Commission to “*adapt those policies to fit its organizational structure.*” This Commission also invokes the rule-making authority expressly vested in the Commission by §9(f) of the MVAA.

The legislative directive is to “*adopt all applicable policies...*.” Thus, before adopting anything, the VACMC must discern and determine whether any county policies are “*applicable.*”

II. Rejection.

A. As to All Units Other Than the Madison County Board. To the extent any court would construe the legislature’s directive to mean the adoption of all county policies, irrespective of which unit of local government established such policy, this Commission rejects all as inapplicable and inconsistent with the independence and the autonomy of the VACMC.

B. As to the Madison County Board. After considering all policies contained in the Madison County Personnel Policy Handbook (2022) and the Personnel Policies for County Board Supervisory, Professional, Confidential, and Non-union Employees (2022), this Commission finds that none of the policies listed therein, other than those referred to under “Policies Adopted and Adapted,” are applicable, and are, therefore, expressly not adopted by the VACMC. All such policies are inconsistent with statutory mandates of the MVAA and this Commission’s organizational structure, including, but not limited to, the following:

1. the statutory requirement that employees of the VACMC are “at will” employees;
2. the statutory limitation that employees of the VACMC are “exempt from the operation and provisions of any civil service act or laws of this State”;
3. the statutory prohibition that the MVAA shall ever be construed to mean that employees of the VACMC are employees of the county;
4. any reference in county policies that imply that VACMC employees have recourse, by appeal or otherwise, to the “County Board Personnel Department” or to the “Manager, Personnel Services,” or to other county officers violates the independence and the autonomy of the VACMC, as established in §10(g) of the MVAA and *Lavite v. Dunstan*, 2019 IL App (5th) 170114;
5. the extent to which any and all definitions contained in the county policy are inconsistent with the facts that there are no publicly elected officials, department heads, or departments within the VACMC;
6. the extent to which any and all policies contained in county manuals are inconsistent with the facts that most, if not all, VACMC employees, as directed by statute, are veterans who have unique disabilities and situations related to and resulting from their time in military service;
7. the extent to which any policy of any unit of the county would, in any way, infer that the VACMC agrees, or that such policy in fact rises to the level of a mandated public policy, as that phrase is understood to be an exception to the general rule of “at will” employment. *Turner v. Memorial Medical Ctr.*, 233 Ill.2d 494, 911 N.E.2d 369, 374 (2009). VACMC employees have been and remain employees “at will” that may be discharged for any reason or no reason at all.

This Commission finds that all such policies also are inconsistent with the statutory goal of the MVAA of “assisting military veterans” and “provid[ing] needed services to eligible veterans.” (330 ILCS 45/9(n)). The final determination of whether any policy (past, present, or future) is applicable and/or inconsistent with this Commission’s organizational structure will be made on a case-by-case basis by this Commission’s superintendent. His/her discretion is subject only to the rejection thereof by a majority vote of the full Commission membership.

III. Policies Adopted and Adapted. The following policies are those which have been extracted from the Madison County Personnel Policy Handbook (2022) and adapted, which this Commission has deemed, with such changes, to have survived the previously stated “II. Rejection” section:

A. Equal Employment Opportunity Policy. VACMC believes in equal employment opportunity for all individuals without regard to race, color, religion, sex, age, national origin, disability, status as a veteran, sexual orientation, genetic information, Order of Protection status, or any other protected characteristic as established by law. This policy extends to all terms, conditions, and privileges of employment, as well as the use of all VACMC facilities and participation in all VACMC-sponsored activities, including, but not limited to, the following: Recruitment, Hiring, Termination, Compensation, Benefits, and/or Condition of Employment. VACMC employees who experience such activity are encouraged to report it to the authorities listed below.

VACMC employees should be made aware that discrimination and sexual harassment are illegal and that the Illinois Department of Human Rights and the Illinois Human Rights Commission investigate, prosecute, and remedy complaints of violations of state law prohibiting discrimination and sexual harassment. These agencies may be contacted, if the employee so desires, in the following manner:

Illinois Department of Human Rights
100 West Randolph Street
Chicago, Illinois 60602
(312) 814-6200

Illinois Human Rights Commission
100 West Randolph Street
Chicago, Illinois 60602
(312) 814-6269

Federal Equal Employment Opportunity Commission
236 South Clark Street (9th Floor)
Chicago, Illinois 60605
(312) 353-2713

A charge of sexual harassment or discrimination under the Equal Employment Opportunity Act must be filed within 180 days of the date a person believes the harassment took place.

Other Harassment

Harassment, retaliation, coercion, interference, or intimidation of any employee due to that employee’s race, religion, color, national origin, sex, age, sexual orientation, or disability is strictly forbidden. VACMC employees who experience such activity are encouraged to report it to the authorities listed previously.

B. Employee Conduct. Except for agreeing with the statement of Article V paragraph A.2. of the Madison County Personnel Policy Handbook (2022), which states that “[i]t is not possible to list all forms of behavior that are considered unacceptable in the workplace,” this Commission restates its rejection of all other “policies already established and in place in its respective [Madison] county” as inapplicable and inconsistent to fit VACMC’s chosen organizational structure and the statutory limitations that VACMC employees are “at will.” That said, VACMC agrees with the stated expectations of conduct listed at Article V, paragraph A.1 (a-k), but only as stated expectations of conduct.