

**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES OF
THE NORTHWEST SPECIAL RECREATION ASSOCIATION
HELD AT THE NWSRA ADMINISTRATIVE OFFICES
3000 W. CENTRAL ROAD, ROLLING MEADOWS, IL
ON THE 5th DAY OF MARCH, 2018 AT 10:30 A.M.**

Chairman Hilgers called the meeting to order at 10:30 a.m. Executive Director Crawford took roll call. The following members of the Board were present: Ryan Risinger, Buffalo Grove Park District; Bob O'Brien, Hanover Park Park District; Dean Bostrom, Hoffman Estates Park District; Dan Malartsik, Mount Prospect Park District; Mike Clark, Palatine Park District; Bret Fahnstrom, River Trails Park District; Amy Charlesworth, Rolling Meadows Park District; Diane Hilgers, Salt Creek Park District; Tony LaFrenere, Schaumburg Park District; Dennis Stein, Streamwood Park District and Jan Buchs, Wheeling Park District.

Absent: Rick Hanetho, Arlington Heights Park District; Rita Fletcher, Bartlett Park District; Tom Busby, Elk Grove Park District; Robert Dowling, Inverness Park District; Christina Ferraro, Prospect Heights Park District; Jay Morgan, South Barrington Park District

Also present: Tracey Crawford, Executive Director; Brian Selders, Superintendent of Communication and IT; Trisha Breitlow, Superintendent of Administrative Services; and Jessica Vasalos, Administrative Coordinator as Recording Secretary.

Introduction of Guests

None

Public Comment

None

Agenda

Chairman Hilgers called for a motion to approve the agenda dated March 5th, 2018. Trustee Stein made the motion and Trustee Fahnstrom seconded the motion. Upon voice vote the motion was approved.

NEW BUSINESS

H-1B Visa Attorney Communication Issues

Executive Director Crawford informed the Board of some communication issues that key staff have been experiencing with the H-1B Visa that needs to be applied for for a staff member. The staff member reached out to the Heckler Law Firm in New Jersey to represent her in the application for her H-1B Visa. After repeated attempts and no follow through by the law firm, NWSRA received an invoice from the Heckler Firm for the start of the process. Executive Director Crawford explained that she put a hold on paying the invoice because the Heckler Firm does not and was not hired by NWSRA. NWSRA immediately reached out to our attorney at Robbins Schwartz and asked Heidi Katz to represent NWSRA and the employee. After much communication back and forth with NWSRA and Heidi Katz, Ms. Katz agreed to communicate with the Heckler Firm. For about 4 weeks,

Ms. Katz and NWSRA staff tried to communicate with the Heckler Firm and Robbins Schwartz. In the end, Ms. Katz recommended hiring another firm to represent NWSRA and the staff member for this issue because it is not a specialty of Robbins Schwartz. Superintendent Selders reached out to the Law Firm of Kapoor Luther & Loftman. This law firm has represents high profile clients such as Facebook and Apple, Inc and are one of the top Immigration Law firms in the country. Within 15 minutes of reaching out to them, all the questions NWSRA had were answered and staff were very comfortable with hiring Kapoor Luther & Loftman.

Director Crawford explained the very tight deadline that the staff and the new law firm will be under due to the communication issues or lack of communication from the Heckler Law Firm. She also explained that if the staff does not get approved for the Visa, her employment will end on July 1. If the Visa is approved, she will be an employee for three years. Director Crawford reiterated to the Board that NWSRA is extremely happy with the staff's performance and rates her as stellar. She also reiterated that this staff was and still believes is the best candidate for the position.

Director Crawford informed the Board that Trustee Fletcher, could not attend the meeting but did reach out to Chairman Hilgers with some questions.

At this time Chairman Hilgers addressed the Board with Trustee Fletchers questions. Chairman Hilgers explained that Trustee Fletcher indicated she had been through this process a few years ago and indicated that in her situation the staff attained the attorney and the staff paid all the fees associated in obtaining the Visa. Superintendent Breitlow informed the Board that current regulations require the employer to pay legal fees. There is a caveat to this based on the employee may be billed back for the costs associated in obtaining the Visa as long as the employee's salary does not fall below the Prevailing Wage salary. However, the attorney recommended not even broaching that subject. Director Crawford also informed the Board that the employee can opt for expedited services and any costs for those services are the responsibility of the employee, which the staff has opted to take.

Trustee LaFrener asked if the staff initiated contact with the Heckler Firm and if anything was signed with them. Staff had initiated contact but did not sign anything, nor was any money sent to the Heckler Law Firm. No retainer was obtained. Ms. Katz also reached out to The Heckler Firm to ask them to cease any and all communication with NWSRA and the staff. The Heckler Firm has confirmed, through communication to Heidi Katz that the case has been dropped by both the employee and NWSRA.

Trustee Bostrom asked if this Visa now ties the staff to NWSRA or can the staff leave immediately following the Visa approval. Director Crawford responded that this ties the staff to NWSRA for three years. NWSRA will be listed on her Visa as the employer. Chairman Hilgers also responded that this was also a question for Trustee Fletcher. Chairman Hilgers also indicated that Trustee Fletcher reported

having to pay for deportation costs if the employee does not stay in good standing with the district.

Trustee Bostrom asked if that cost was known. At this time, Director Crawford is unaware of the cost. Director Crawford also made note that there is the same risk and potential cost with every employee. Trustee Bostrom agreed that this is a case of risk management. He also asked if the invoice from Ms. Katz has been received yet, to which the answer was no. Trustee Malartsik asked if the fees for the interaction with Ms. Katz are included in the amount provided. Director Crawford responded that the attorney costs were not in the fees, however, the retainer fee for the new firm were budgeted for in 2018 and are not expected to exceed what was budgeted.

Trustee Malartsik asked what the process is if the employee resigns. Director Crawford indicated that if the employee resigns she would go back to her home country. Trustee Bostrom asked if NWSRA would still have to pay for Deportation. Director Crawford was not sure of that process. Trustee Malartsik asked if any other district has a policy for this issue. Director Crawford indicated that would not need to have policy as the Labor Laws and Immigration Laws set the process to be followed. Trustee Malartsik clarified his question as to the one year the employee has with the district and the years after. Trustee Bostrom indicated that the protocol is already written in the Laws. He also indicated it all boils down to whether the employee is worth the investment or not, regardless of their citizen status or not.

Director Crawford indicated again that the employee is well worth the investment. Entry level Graphics talent is very hard to retain when they are good. This will bind the employee to NWSRA for three years. The employee was hired in July, marking her six month review in January. This timeline allowed NWSRA the ability to really evaluate her and make sure the investment was worth the time and cost. She has had her six month review and her performance is outstanding.

Director Crawford said that so many laws and procedures have changed since she and Trustee Fletcher went through this. A question was raised regarding the gap time between her July 31st deadline and the October issuance of her Visa. The employee is here on the Optional Practical Training (OPT) Visa. Superintendent Selders explained that after talking with the Kapoor Law Firm , he discovered that the OPT Visa grants approval from July 31 to October 31 to cover the gap time between the Visa approvals. Therefore, the employee will not be deported during this time while waiting for approval.

Appointment of Special Legal Counsel

Trustee Stein called for a motion to approve the engagement of Kapoor, Luther and Loftman Immigration Partners as special legal counsel to perform legal services in connection with the processing of an H-1B petition for NWSRA on behalf of Karyn Emeraldal, on the terms and conditions set forth in the February 26, 2018 engagement letter from partner Romy Kapoor. And further, to authorize the Executive Director to sign the engagement letter on behalf of the Board of

Trustees and NWSRA. Trustee Risinger made the motion and Trustee Fahnstrom seconded the motion. Upon roll being called the vote was as follows:

AYE: Ryan Risinger, Bob O'Brien, Dean Bostrom, Dan Malartsik, Mike Clark, Bret Fahnstrom, Amy Charlesworth, Diane Hilgers, Tony LaFrenere, Dennis Stein, Jan Buchs

NAY: None

The motion carried.

Closed Session

None

Adjournment

After no further business, Chairman Hilgers called for a motion to adjourn. Trustee Risinger made the motion and Trustee Stein seconded the motion to adjourn the March 5, 2018 meeting at 11:04 am. Upon voice vote the motion carried.


Secretary