

SHELBY COUNTY BOARD MEETING

June 8, 2023 - 7:00 P.M.

Video of meeting can be viewed at shelybcounty-il.gov (Shelby County YouTube channel)

The Shelby County Board met on Thursday, June 8, 2023, at 7:00 P.M in Courtroom A of the Shelby County Courthouse.

Chairman Robert Orman called the meeting to order. Board member Annette Martin gave the prayer, and all present recited the Pledge of Allegiance.

County Clerk Jessica Fox called the roll. Charles Davis Jr. and Heath McCormick were absent.

Minutes for the May 11, 2023, County board meeting were presented for approval. Kessler made motion to approve the minutes. Williams seconded said motion, which passed by voice vote (20 yes, 0 no).

Deferring from the agenda, Chairman Orman asked Heather Wade, Probation CMO to address the board regarding her proposed vacation policy. Wade explained she had met with the Finance committee in May regarding a vacation policy for the Probation office. Wade had submitted her policy to the Chief Judge who had approved, but recommended Wade also get approval from the County board. Wade's policy essentially coincides with the AFSCME Union vacation policy and will only impact one employee in her office. Finance Chair Bennett stated the committee was in favor of the probation vacation policy. Wade stated it is her employee's intent to take the vacation time and not cash it out for pay. Brands made motion to approve the probation vacation policy. Wallace seconded said motion, which passed by roll call vote (19 yes, 0 no, 1 abstain - Edwards). Ayes: Bennett, Boehm, Brands, Brown, Cole, Firnhaber, Hardy, Kessler, Martin, Mayhall, Morse, Nelson, Ogden, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none. Abstain: Edwards.

Continuing with updates, Wade reported the annual plan for the AOIC is due in August. Raises are set by performance and the cost-of-living increase could be from 5% - 10%, these raises are funded by the State. The Administrative Assistant raise is the only salary that the county is responsible for and will be similar to the AFSCME Union pay increase. Wade stated she has given the weapons policy to the State's Attorney for review and would be asking for more money for training once the weapons policy is implemented. Wade stated anyone wishing to see numbers for caseload for probation, was welcome to stop by the office. Board member Mayhall expressed his appreciation to Wade and her staff for the work put into the Drug Court program and the recent Drug Court graduation program that was held on June 2, 2023. Wade stated she had a great staff and stated the County was very fortunate to have the services of Shelby County Community Services to assist in many areas with the drug court participants. Next to address the board was Jesse McClusky, County Director of the U of I Extension program. McClusky informed the board about the services provided by the Extension office, including SNAP, 4-H, and the family life program. They serve over 300 students, and McClusky stated she has a stellar staff in Shelby County. McCluskey asked for approval for the annual extension agreement between the County and the U of I and asked for a 5% tax levy increase for taxes payable in 2024 from the \$73,333 to \$77,000. McClusky stated they had not asked for a levy increase in several years and with the increase in utilities and other expenses, this increase would be helpful.

Firnhaber made motion to approve the annual agreement and the levy increase. Ogden seconded said motion, which passed by roll call vote (16 yes, 4 no). Ayes: Bennett, Boehm, Brown, Cole, Edwards, Firnhaber, Hardy, Kessler, Martin, Mayhall, Morse, Ogden, Orman, Tate, Wallace, and Williams. Nay: Brands, Nelson, Ross and Shuff. At this time, Chairman Orman called for the County Highway report. Matt Kessler, Road, and Bridge Chair presented several items at the recommendation of the R/B committee.

The committee recommends the board approve a \$15,000 retention bonus to be paid to the County Highway Engineer in \$5,000 increments on the anniversary date of employment for the first 3 years. Bennett made motion to approve the \$15,000 retention bonus. Wallace seconded said motion, which passed by roll call vote (18 yes, 2 no). Ayes: Bennett, Brands, Brown, Edwards, Firnhaber, Hardy, Kessler, Martin, Mayhall, Morse, Nelson, Ogden, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: Boehm and Cole. The R/B committee request approval from the board to utilize ARPA funds in the amount of \$15,000 to cover the retention bonus expense. Firnhaber made motion to approve the use of ARPA funds. Hardy seconded said motion, which passed by voice vote (20 yes, 0 no).

Kessler reported 2 years ago the purchase of a new tandem truck was approved and that truck has been received and due to the strain on the Highway department budget due to the lack of the county highway engineer, there aren't enough funds in the budget to cover the cost of the tandem. The money had previously been budgeted and the truck was ordered and now it was time to pay up. Rush was stated the Highway Department has aging equipment that will need to be replaced in the coming years, as repair costs can be as much as a new purchase depending on the equipment. Kessler made motion to approve \$150,236.70 in ARPA funds to cover the cost of the new tandem. Wallace seconded said motion, which passed by roll call vote (20 yes, 0 no). Ayes: Bennett, Boehm, Brands, Brown, Cole, Edwards, Firnhaber, Hardy, Kessler, Martin, Mayhall, Morse, Nelson, Ogden, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nays: none.

The R/B committee also recommends creating the position of Administrative Assistant at the County Highway Department. The committee feels in consideration of the professional personnel that complement and strengthen the work of the modern day Engineer, the necessity to serve the interest of the Highway department and the County Engineer due to the varied, complex and intellectual work involved in supporting the County Engineer, and the need for consistent exercise of discretion and confidentially involved in supporting the department and the County Engineer that the position of Administration Assistant is necessary.

Brands made motion to approve the Administrative Assistant position at the County Highway Department. Wallace seconded said motion. Discussion was held. Mayhall questioned the need for the creation of this position in the department as this is a high visibility item and stated he didn't understand a few things. A grievance has been filed and it is found that this position is valid or not what are the consequences. Kessler stated the County, and the Union may not agree, but the County has managerial rights to create positions which it did. Mayhall questioned what consequences were for the county if the grievance is upheld? Kessler questioned what the grievance was? AFSCME is questioning if that position should be represented. Mayhall also questioned the pay scale and benefits based on employees who have been employed by the County longer in various capacities. Kessler stated the pay grade for this position is correct. Kessler stated this is a process and the county doesn't have an answer to this question yet in terms of the grievance. Kessler stated the State's Attorney will defend the county in the process of this grievance. It was stated that the bookkeeper/secretary position will remain as the Union position, regardless of the Administrative Assistant being created. A new county engineer would have the ability to hire a secretary/bookkeeper if they so choose. Kessler stated in a modern Engineering office, they require Administrative Assistants, and this should make the Engineer vacancy attractive to a potential candidate. It was stated the prior secretary/bookkeeper was doing a lot of the duties the new Admin Asst. will be doing and working outside of the AFSCME contract due to necessity.

Brands motion and Wallace's second passed by voice vote (16 yes, 4 no Boehm, Cole, Mayhall, and Morse).

At the recommendation of the R/B committee, Kessler made motion to approve an additional \$15,000 sign-on bonus for a County Engineer candidate. Brown seconded said motion. Kessler stated a \$30,000 sign-on bonus is precedence in Illinois and Greene County was successful in hiring an Engineer after offering a \$30,000 sign-on bonus. The County is in desperate need of an Engineer and the \$33,000 sign-on bonus and \$15,000 retention bonus, might get more qualified applicants to apply and the committee may be able to hire the best candidate. It was felt that \$30,000 as an upfront sign-on bonus was a lot of money up front with no promise of retention.

Tate made motion to amend the additional \$15,000 sign-on bonus to be paid as \$7,500 at 6 months and \$7,500 at 1 year of employment. Martin seconded said motion. (\$30,000 would be paid \$7,500 after 1st week of employment, \$15,000 at 6 months of employment and \$12,500 at 1 year (includes first payment of \$5,000 retention bonus) of employment, which includes the initial \$15,000 sign-on bonus approved on May 11, 2023). Motion passed by roll call vote (16 ayes, 4 nays). Ayes: Bennett, Boehm, Edwards, Fimhaber, Hardy, Kessler, Martin, Mayhall, Morse, Nelson, Ogden, Orman, Shuff, Tate, Wallace, and Williams. Nays: Brands, Brown, Cole, and Ross.

Kessler's motion for original sign-on bonus of \$15,000 as amended, seconded by Williams, passed by roll call vote (17 ayes, 3 no). Ayes: Bennett, Boehm, Brown, Edwards, Fimhaber, Hardy, Kessler, Martin, Mayhall, Morse, Nelson, Ogden, Orman, Shuff, Tate, Wallace, and Williams. Nays: Brands, Cole, and Ross.

Next the employment agreement for Administrative Assistant Wendy Gregory was presented for approval. (Employment agreement attached to these minutes). Williams made motion to approve the employment agreement, Edwards seconded said motion. Discussion was held. Items in the employment agreement have been negotiated between Gregory and the R/B committee. This agreement was "self-negotiated" per Chairman Orman. It was also asked if any of the R/B committee members had previous knowledge of Ms. Gregory which could reflect a conflict of interest if there was a personal relationship outside of this hiring. Gregory's ability to hire and fire employees during her 90-day probationary period were also questioned. Kessler stated the probationary period gave them the ability to remove anyone for cause or no cause, it gives the committee oversight which the taxpayers expect them to do. Orman stated the board was focusing so much on the "negative" and not on the positive. Kessler stated the hours of employment for Gregory were not spelled out as long as there was a minimum of 35 hours and a maximum of 40 hours. Kessler stated when there was a "head of agency" there the hours of work would be decided between the new head of agency and Gregory. The current hours of employment are 7 – 3:30 currently. These hours were not put in the contract. Mayhall stated since no hours were written into the agreement, it is very loose to say just feel 35 hours a week.

Williams's motion, seconded by Edwards passed by voice vote (16 yes, 4 no – Boehm, Cole, Mayhall, and Morse).

The name of Wendy Gregory was presented to be approved by the County Board and recommended to IDOT to be appointed as Acting County Engineer. Ross made motion to approve the IDOT resolution. Ogden seconded said motion, which passed by voice vote (16 yes, 4 no Boehm, Cole, Mayhall, and Morse).

Public Safety Chair Tate reported Sheriff McReynolds had an extra speed trailer he wanted to try and get rid of since it wasn't being used. The Highway department has one and didn't need another. The Public Safety committee recommended this speed trailer be declared surplus and the Sheriff be allowed to accept bids to dispose of.

Tate made motion to approve the resolution declaring the speed trailer as surplus and allowing the Sheriff to accept bids. Edwards seconded said motion, which passed by voice vote (20 yes, 0 no).

Upon recommendation of the Public Safety committee, it was recommended that Chairman Don Tate work with the State's Attorney to draft requirements to hire an architect to repair/replace windows in the Courthouse as outlined in 50 ILCS 510 (Local Government Services Act).

Wallace made motion to approve Tate working with the SA to draft language to try and hire an architect. Williams seconded said motion. Discussion was held. Tate made it clear, the State's Attorney would simply assist with drafting language and assist with overseeing the process to hire an architect for the Courthouse window project. Ross stated he had received a substantial set of documents from the County Clerk that Utz and Associates has already drafted. Ross stated all that was done out of this documentation was the roof, although the doors, windows, stucco was also included. Ross stated in conversations he has had with the local resident Circuit Judge, everything the county needed had already been done by Utz and Associates and paid for once. Ross stated the county is at the request for bid stage in his opinion. The skill set is needed to write a request for bid, and some feel it has already been done by Utz and some do not believe it has been done.

Firnhaber made motion to table this item under further clarification could be received. Bennett seconded said motion, which passed by voice vote (19 yes, 1 no - Brands).

This next item for discussion involved the County Farm. Wallace made motion to continue farming the county farm unless otherwise directed on recommendation of the Farm Committee. Brown seconded said motion.

Bennett made motion to table this item. Ross seconded said motion which failed by voice vote 7 ayes - Firnhaber, Kessler, Nelson, Ogden, Orman, Ross and Williams, 13 no). Discussion was held.

The question was asked about what "otherwise directed is"? Chairman Orman stated they have concerns about the burial sites, which leads Orman to believe the county has a 240-acre burial site currently. The county needs clarification regarding graves outside of the cemetery. It was stated the county doesn't have a number of how many bodies might be buried outside of the cemetery and this has yet to be confirmed. The farm committee has asked for a legal opinion, since it was stated by a county official at a public meeting that multiple people might be buried outside of the cemetery. The last person who died at the poor farm that was recorded was in 1942 and this person was buried in the cemetery. The farm has been farmed since 1942 and nothing has been turned up. It was questioned how drilling beans 2 inches could possibly turn up bones, when no farmer previously has stated bones had been turned up. The State's Attorney has given an opinion regarding the desecration of a grave site. This property is not currently tax exempt, because the property is not being used for a tax-exempt purpose. This means the county will have to pay property taxes on this ground. Board member Williams stated this is double taxation and taxation without representation. Williams suggested safeguarding taxpayer money and recommended the County should not continue farming the ground. Wallace asked if the farm was currently being farmed, to which was replied, yes there is wheat on the ground. Hardy recommended the county continue farming the ground but doing it legally. Ross stated the county had not legally farmed the ground for decades, since it had not been put out for bids. In 2022 the ground was farmed by a local farmer for free and the funds from the crops given to the county. In 2023 the committee did a custom farm agreement. Bennett informed the board members that the state legislators stated the ground must still be for public purpose. Bennett stated we are a "very greedy" county because we just want to make money from this ground. Bennett said if the county wanted to make it into a park or use it for a purpose which benefited the county, that would be a public purpose. Bennett stated the money must go to the general fund and the money can't be earmarked for Courthouse maintenance. Members of the board felt the county should pursue a use of the ground for public purpose that is not just returning dollars to the county. Ogden and Shuff had come to the committee and suggested letting area schools FFA or AG programs farm the ground and set up some type of pilot program for this purpose, but the County could not put the funds in the county coffers, it would have to go to those schools. Okaw Valley schools have a very successful farm program using Federal ground in that school district. The county could create a park, the county would have to set up a park district, the county could farm 190 acres and use the remaining part of the ground for people to hunt or set up a park for people to drive ATVs. Taxation without representation was also discussed, as people who live in the county are paying to taxing districts, where they don't live, can't vote, and don't have representation. Williams stated we have double taxation, taxation without representation and whether or not the county has to pay income tax on money made from the farm. Bennett told Cole that although the farm bill passed the house and the senate and is waiting for the Governor's signature, it still must comply with the IL Constitution of meeting a public purpose.

A roll call vote was taken on the matter of continuing to farm the county farm which failed in a tie vote (10 yes, 10 no). Ayes: Boehm, Brown, Cole, Edwards, Hardy, Kessler, Mayhall, Morse, Ogden, and Wallace. Nays: Bennett, Brands, Firnhaber, Martin, Nelson, Orman, Ross, Shuff, Tate and Williams. Upon recommendation of the Budget committee as Liquor committee hours for a Class Five Restaurant License for Class B are to be changed to the following. Hours of sale for alcoholic liquor will be Monday - Thursday from 7:00 AM - 11:30 PM, Friday - Saturday 7:00 AM - 12:30 AM and Sunday 11:00 AM - 9:00 PM. The current hours for Class B are no sales of alcoholic beverages between 11:00 PM - 9:00 AM Monday - Sunday. This puts the hours for a Class B license inline with the City of Shelbyville and will impact Jacki's Gaming and Coon Creek Castaways. Williams made motion to approve the resolution changing the hours of sale for a Class B liquor license. Firnhaber seconded said motion, which passed by voice vote (16 yes, 4 nay - Boehm, Hardy, Kessler and Mayhall).

The Budget committee also recommended for FY 23-24 to issue a 15-month liquor license and increase the fee for this 15-month license to \$750.00 to put it in line with the change in the fiscal year. Brands stated he felt the county should just issue the license without the extra fee since the County made the decision to change the fiscal year.

Ogden made motion to approve the 15-month liquor license for FY 23-24. Firnhaber seconded said motion, which passed by voice vote (19 yes, 0 no).

Chairman Orman called for committee reports. (Committee reports are attached to these minutes).

Edwards stated she had spoken with CEFS Director Kevin Bushur, who stated CEFS appreciates the support from the County Board. CEFS will also be making some booklets that Bushur hopes board members would be willing to pass out to areas in the County that might be in need of the resources CEFS offers. Edwards hopes to have booklets available in early fall.

The Airport is doing well with fuel sales. They will be having a fly-in on July 8 and having a car show, food vendors, a raffle and DJ. They could use help with parking and many local businesses have donated things to be raffled off. Paul Canaday has been working on painting the main hanger. The FAA offer a scholarship for Jr/Sr High School students for free flight lessons. Katelyn Funk from Assumption was this year's recipient. They fly 3 times a week and must fly 55 hours to get their pilot's license.

Finance committee had some late claim submissions that were reviewed by Chair Bennett and a couple of other committee members.

Legislative Committee members Brands and Edwards will be meeting with members of the AFSCME Union on June 28 for the quarterly meetings that have not been happening. Brands stated anyone with any questions for the Union should let he or Julie know. Brands stated this was not negotiating but just a means to improve communications.

R/B Chair Kessler stated the committee could have a special meeting on Monday, June 12 at 5:30 to interview candidates for the Foreman position at the Highway Department.

Under Chairman updates, Orman reported the County was back in compliance with the Federal government in the SAMS and GATA program. We are registered and established with a new address which is at the Courthouse. Orman had received a call today from Prairie Power, the archeological survey and nothing was found in the staked areas.

Continuing with Chairman appointments, Orman requested the following:

Dr. Richard Brown reappointed to Airport and Landing Fields Commission (3-year term). Motion made by Edwards, seconded by Williams, passed by voice vote (20 yes, 0 no).

John Hall reappointed to Airport and Landing Fields Commission (3-year term). Motion made by Ogden, seconded by Hardy, passed by voice vote (20 yes, 0 no).

Dr. Doris Bowers reappointed to County Health Board (3-year term). Motion made by Edwards, seconded by Nelson, passed by voice vote (20 yes, 0 no).

Ken Fry, Greg Miller, Maria Shafer, David Ogden, and Mark Shanks reappointed to Tourism (1-year terms). Motion made by Williams, seconded by Edwards, passed by voice vote (20 yes, 0 no).

There was no correspondence to discuss.

Under old business, Edwards reported the Planning Committee had met on Monday, June 5th and unanimously voted down allowing Solar or Wind Farms in Shelby County. Boehm stated at a previous meeting the prior Zoning Administrator stated the new law would give control of Solar and Wind to the State. There has been no update on the preliminary plat for Lithia Estates Subdivision at the current time.

Claims were presented for approval. Bennett made motion to approve the payment of claims. Tate seconded said motion.

The following claims were questioned by the committee and there were also claims submitted last that had been reviewed by Finance Chair Bennett and 2 other members in advance of the county board meeting.

Rescue Squad \$450.00 claim – no invoice had been submitted with claim. Invoice submitted on 6/7/23 to County Clerk's office and forwarded to committee.

Circuit Clerk – payment of \$6.20 late fee denied for payment for copier bill.

Coroner bills - \$149.99 to NMS Labs, \$185.00 to Steven Skinner, \$185.00 to Brian Peterson, \$74.93 to Richard Largen, \$2,000.00 for J. Scott Denton MD, and \$498.00 to the McLean County Coroner's office.

Mytec bills have been adjusted to regular amounts to not include an office which was not paying their part of the monthly payment.

Bennett made a motion to pay the monthly claims as amended with the addition of the following, reviewed by the committee. Firnhaber seconded said motion, which passed by roll call vote (20 yes, 0 no). Roll Call Vote: Aye: Bennett, Boehm, Brands, Brown, Cold, Edwards, Firnhaber, Hardy, Kessler, Martin, Mayhall, Morse, Nelson, Ogden, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: None.

The original motion by Bennett as amended, seconded by Tate, passed by roll call vote (20 yes, 0 no). Ayes: Bennett, Boehm, Brands, Brown, Cold, Edwards, Firnhaber, Hardy, Kessler, Martin, Mayhall, Morse, Nelson, Ogden, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: None.

At this time, the floor was opened for Public Body comment.

Teresa Boehm questioned why the Board of Review appointment was not being made. Orman stated there is no statute to allow for an elected board or review if certain population requirements are not met. Nelson stated she has researched the statute and reached out to the State's Attorney and made calls to other neighboring counties and spoken to 3 lawyers who know tax law at the IL Department of Revenue. Nelson stated she found "NO legal authority to hold a referendum to make these seats elected on a 1981 ballot, whereas today's and previous state statute are clear, a county our size is to be appointed." Clerk Fox stated she had researched this issue at the public library for old newspaper articles to find how this came to be. A referendum was approved after 2 Shelby County residents passed petitions to put this question to elect a Board of Review as well as the Supervisor of Assessment in 1981. The SOA's position was pulled off the ballot due to an electoral board hearing, but the Board of Review question was on the ballot and approved to be an elected office. More investigation into this matter is required to determine whether the Board of Review is an elected or appointed office in Shelby County. The County is currently without a Board of Review, so taxpayers are currently unable to file any complaints regarding their real estate taxes.

Sharon Ongman asked if the County had anyone in line for Highway Engineer. Ongman asked what the Administrative Assistant would be paid, and if a job description clarified the duties of this position. Ongman, as a former board member, stated she realized there are a lot of meetings and the pay is very low, but Ongman stated if board members can't do their homework after 7 months and know what's going on in the County, then they should step down and let someone who wants to be here take their job. Ongman stated "to ask if the farm was being farmed is an embarrassment."

Jake Cole asked why public body comment had been moved to the end of the meeting.

Tami Smith stated this board needs bipartisanship. Smith stated she realized members had to run under a party, but once elected their constituents should come first and politics second. Smith said this board should advocate for everyone. Smith also questioned why ARPA funds were being sent to McHenry County for a person to scan documents when there are capable people in this County. Smith also questioned why a CPA firm from outside of the County had been hired to do the counties annual audit, when the money should stay here in Central Illinois.

Char Watton stated that for months public body comment had been first, and it was very apparent that tonight was orchestrated to have public body comment at the end of the meeting and very unfair.

Brock Hammond questioned why the board of review appointment had been skipped over.

Chris Boehm asked if anyone could give him the legal definition of public purposes? It was stated if the Department of Revenue declares the property tax exempt it is for a public purpose.

Marilyn Maczura informed the board there was a referendum in 1981 and 1983 to elect the Board of Review and the Supervisor of Assessments, it is what the voters and taxpayers wanted.

Tricia Miller stated that normally she comes for public body comment, makes her comments and leaves. She hadn't planned on staying tonight but since public body comment was pushed to the end by the board chairman she stayed. Miller stated this board has lost so much humility in how they treat people, how they talk and how they act. Miller said she was going to keep coming to these meetings and she was going to keep saying the same thing over and over again.

Robert Simpson, former R/B committee member stated the highway department does have a lot of aging equipment that is going to need to be replaced. Simpson stated money had been appropriated for the tandem that was recently received. The truck was bid out through the state to get the good price.

Austin Pritchard asked Board Chairman Orman why public body comment had been moved to the end of the meeting. Orman stated that due to live streaming he wanted to address the public business of the board for those folks watching instead of having public body comment at the beginning. Pritchard stated he believed a lot of frustration on behalf of the public was the lack of transparency and the board trying to do things on the side, which made it appear as though they have something to hide. Pritchard stated if the board does things out in the open, they public won't think they board has something to hide.

There was no further business to come before the Shelby County Board.

Nelson made motion to adjourn until the next regular meeting to be held on July 13, 2023. Simpson seconded said motion, which passed by voice vote (20 yes, 0 no) and the meeting was adjourned at 10:26 P.M.

Jessica Fox
Shelby County Clerk and Recorder