

SHELBY COUNTY BOARD MEETING

August 8, 2024 – 7:00 P.M.

(Video archive of this meeting can be found at shelbycounty-il.gov on YouTube)

The Shelby County Board met on Thursday, August 8, 2024, at 7:00 P.M. in Courtroom A of the Shelby County Courthouse in Shelbyville, Illinois.

Chairman Robert Orman called the meeting to order. All those present recited the Pledge of Allegiance and board member Shawne Martz gave the prayer.

County Clerk Jessica Fox called the roll. Bennett, Keenan, Martin, and Wallace were absent.

Minutes for the July 11, 2024, board meeting were presented for approval. Nelson made motion to approve the minutes. Firnhaber seconded said motion, which passed by voice vote (18 yes, 0 no).

At this time Tim Watson, CPA, Partner, and head of the audit/attestation practice with the county auditing firm of Benford and Brown (28 years in business) joined the meeting by Zoom to review the draft audit report for fiscal year ending August 31, 2022. The board received the draft audit on Monday, August 5, 2024. (Draft audit attached to these minutes). After a brief introduction of the board members, Mr. Watson continued with a review of the draft audit report. A very lengthy discussion was held regarding the draft audit. Watson first addressed the audit of financial statements which included the report on the audit of financial statements/qualified and unqualified opinions. Watson stated the audit report covers the accompanying modified cash basis financial statements of governmental activities, each major fund, and the aggregate remaining fund information. The report was issued in accordance with government auditing standards. Watson next covered the statement of net position of the county and did state the county was in good financial standing when comparing assets to liabilities. Watson reviewed the statements of net position, statement of activities, balance sheets related to the following funds, General, IMRF, ARPA, Twp MFT and nonmajor governmental funds. Part II of the audit draft reviewed the schedule of changes in the employer contributions to IMRF over the last 10 years. Part II also detailed notes to other information, which included basis of accounting, excess of disbursements over appropriations for FY 2022 (SCCS, Sheriff, GIS, Capital Improvement, and Coroner Special Fund). Part III of the audit detailed combining and individual fund financial statements and schedules, which included several departmental funds. Part IV covered the Government Auditing Standards which included the auditor's report on internal controls over financial reporting and compliance. Part V of the audit discussed the various findings, and material weaknesses of the County as found by Benford & Brown during the audit. Watson discussed the delay in the audit due to the firm's difficulty in getting much needed information from the County, which included trial balances, capital assets/depreciation, paid time off balances, and other information, which Watson felt was caused due to the lack of a centralized process for maintaining financial accounting records in the County. Many questions were asked from the board regarding the length of time the audit took, the firm never coming to the county to review processes, the potential liabilities the delay had cause within the county, including the possibility of a stop payment by the state, and what information had been contained in the draft audit received by some on July 25, 2024. It was also pointed out that some pages were not numbered correctly in the draft presented. Watson informed the board he had spoken with IDOT about the letter the board had received. It was also stated the audit for the 2023 fiscal year, which ended November 30, 2023, shouldn't take as long, as Benford & Brown is aware of the issues which exist regarding information they will need to produce that audit. Watson said some updates needed to be made to this current draft audit and those should be completed and forwarded to the county within a week. Mr. Watson was thanked for his time in reviewing the draft audit with the board.

9:07 PM – McCormick left the meeting.

At this time, Chairman Orman called for the Highway Engineer's report.

County Highway Engineer Michael Tappendorf reviewed the monthly activity report of the Highway Department and employees. (Monthly activity report attached to these minutes).

Tappendorf presented for approval a 50/50 petition from the Lakewood and Dry Point Highway Commissioners to demolish and construct a new bridge on TR 373 2 miles north of Cowden. Estimated costs for preliminary engineering will be \$48,653; 80% of this will be reimbursed from the State-Township Bridge Program, with the remaining 10% from County Bridge and 5% from each township.

Brown made motion to approve the 50/50 petition. Williams seconded said motion, which passed by roll call vote (17 yes, 0 no). Ayes: Amling, Boehm, Brown, Cole, Edwards, Firnhaber, Martz, Mayhall, Morse, Nelson, Orman, Otis, Ross, Shuff, and Williams. Nay: none.

Shelby County Board Meeting
August 8, 2024

Tappendorf presented a resolution to approve an engineering agreement with Lochmueller to assist in the structural design, hydraulic study, and all other necessary items for reconstruction of the bridge over Mitchell Creek.

Brown made motion to approve the resolution. Martz seconded said motion, which passed by voice vote (17 yes, 0 no).

The next resolution presented for approval was to use Rebuild Illinois Funds for the construction of improvements on County Highway 5 from Opossum Creek access to Coon Creek access.

Brown made motion to approve the resolution. Firnhaber seconded said motion, which passed by voice vote (17 yes, 0 no).

The final item presented for approval was a resolution for action to approve the use of Federally funded construction for the improvements to County Highway 5 from Opossum Creek access to Coon Creek access.

Brown made motion to approve the resolution. Firnhaber seconded said motion, which passed by voice vote (17 yes, 0 no).

Tappendorf encouraged the board to approve the MOU for the AFSCME employees to keep the \$1.00/hour ARPA pay that was due to end on August 31, 2024. Tappendorf stated he felt the employees were deserving of this additional pay and didn't want to see the county go backwards.

Upon recommendation of the Legislative committee, Williams made motion to approve opening the closed session board minutes/recordings from the June 27, 2023, and July 13, 2023, meetings. Tate seconded said motion, which passed by voice vote (17 yes, 0 no).

Ross made motion to place an advisory referendum on the November 5, 2024, General Election ballot asking voters if the county should elect the board members from single member districts instead of two. Williams seconded said motion. Discussion was held. Nothing can be done to reduce the size of the board until after the next census in 2030. The only expense associated with this referendum will be the required publication costs. Both the Legislative committee and the State's Attorney had reviewed the referendum. Williams stated he felt it was important to place this on a ballot which would have a larger turnout. This referendum has no binding on any future county boards, is purely advisory, and is meant to gauge public opinion across a larger cross section of the county.

Ross's motion, with Williams's second passed by voice vote (17 yes, 0 no).

Edwards made motion to approve an MOU with AFSCME to continue the additional \$1.00 per hour and the payment of health insurance for those who did the wellness checks until a new contract is ratified. Boehm seconded said motion. Discussion was held. The State's Attorney discussed the proposed MOU with the AFSCME members, 1.1 million in ARPA funds remains uncommitted and continuing these current payments until a new contract is drafted will cost approximately \$3,700 a month. Ross called the vote.

The AFSCME MOU on Edwards's motion and Boehm's second, passed by roll call vote (17 yes, 0 no). Ayes: Amling, Boehm, Brown, Cole, Edwards, Firnhaber, Martz, Mayhall, Morse, Nelson, Orman, Otis, Ross, Shuff, and Williams. Nay: none.

The Sheriff's office has (3)2017 Ford Interceptor vehicles to be declared surplus (VIN numbers: 1FM5K8AR8HGB65577, 1FM5K8ARXHGE42519, 1FM5K8AR8HGC56798). The Sheriff explained he thought another county department had a use for the vehicles, so no bids would be necessary. Ross made motion to declare the vehicles as surplus. Tate seconded said motion, which passed by voice vote (17 yes, 0 no).

A 15-month lease agreement was presented by Shelby County Community Services for the county records storage building located at South 1st and South Morgan Street. The lease agreement has been changed to coincide with the County's change in fiscal year. The cost for this lease will be \$500/month, or \$7,500 for the 15 months.

Boehm made motion to approve the lease agreement. Martz seconded said motion, which passed by roll call vote (17 yes, 0 no). Ayes: Amling, Boehm, Brown, Cole, Edwards, Firnhaber, Martz, Mayhall, Morse, Nelson, Orman, Otis, Ross, Shuff, and Williams. Nay: none.

The next lease agreement presented was for a 15-month lease for the Zoning/EMA office. This lease is for \$250/month or \$3,750 for the full 15 months.

Firnhaber made motion to approve the lease. Martz seconded said motion, which passed by roll call vote (17 yes, 0 no). Ayes: Amling, Boehm, Brown, Cole, Edwards, Firnhaber, Martz, Mayhall, Morse, Nelson, Orman, Otis, Ross, Shuff, and Williams. Nay: none.

Shelby County Board Meeting
August 8, 2024

Firnhaber made motion to approve the resolution transferring parcel 0723-16-14-303-002 from the County as trustee to Joshua Hale with a bid of \$2,024. Mayhall seconded said motion, which passed by voice vote (17 yes, 0 no).

Firnhaber made motion to approve the resolution transferring parcel 1116-11-05-101-007 to Gokce Capital LLC with a bid of \$4,009. Tate seconded said motion, which passed by voice vote (17 yes, 0 no).

The 2025 holiday calendar was presented for approval. Ross made motion to approve the 2025 holiday calendar as presented. Cole seconded said motion, which passed by voice vote (17 yes, 0 no).

At this time Chairman Orman called for committee reports.

Cole reported the Airport is planning a car show on September 14 from 9:00 AM – 2:00 PM and was looking for volunteers to help park cars. Anyone interested can let Carol know or contact John Hall.

Under Chairman updates, Orman reported pursuant to the resolution to sell the county farm he, as board chair hired the appropriate companies to survey the ground and appraise the farm ground. Those documents had been put on file as of today, August 8, 2024. Orman said he had also received communication from Benford and Brown about the question of auditing the State's Attorney's office following the departure of Robert Hanlon pursuant to 55 ILCS 5/6-31005. The response Orman received from Timothy Watson CPA stated *"While my firm does not have an expertise in the subject matter that you have asked for guidance, it appears that the next paragraph of the statute(not included below) defines that the state attorney as an elected county official which would mean that the funds controlled by such official would be subject to audit by the county board within 180 days after the change in official. This conclusion also assumes that the office isn't included in the county audit, or such audit will not be performed within the 180-day time period."*

Boehm stated that Matt Jones from WCDC had emailed to both Orman and Vice-Chair Bennett twice about economic development and services they offer and had not heard from either one of them. Boehm asked that he please check his email and get back to Jones regarding these emails.

There were no Chairman appointments, correspondence, ARPA fund update (nothing to report).

Under old business, Ross asked State's Attorney Woolery about her progress with attempts to recover \$70,000. Woolery stated she had been in contact with the Attorney General's office and would keep the board updated.

Firnhaber made motion to approve the claims as reviewed by the committees. Tate seconded said motion. Discussion was held. Boehm made motion to amend the bills to pull the appraisal/survey bills from the claims to be paid. Mayhall seconded said motion. Mayhall stated the resolution to sell the farm did not give the chairman the authority to have the survey or the appraisal done. The resolution merely gave the chairman the authority to sign paperwork. It was asked if 22 board members were to work in concert to get the appraisal and survey done. It was stated the resolution gave the chairman the authority to sign all documents related or necessary for the sale of the county farm. Orman said he got those 2 things done and sent the resolution to the firms to get the appraisal and survey done. Orman said he signed in an email and told these firms to get these things done. Cole asked if these items should have gone before the Farm committee. Cole also said it did not appear the boundaries on the cemetery are correct. Cole said grass surrounded the cemetery, the area around the cemetery is not being farmed, and she said the cemetery is bigger than the 4 posts that are currently placed there. Williams stated the authority of the Chairman is derived by the board and he is to execute instruction and direction from the board and Orman had done his job. Williams said the funds were in the budget, the work had been done, and the bills should be paid, and called for a no vote on Boehm's amendment. Mayhall said the budget line item was for fertilizer and lime from which these bills are to be paid. Orman said he chose the largest budgeted line item of fertilizer/lime. Mayhall asked if this gave any board member the authority to go to any department and make an expenditure? Orman reiterated the resolution gave him authority to get the survey and appraisal done. Boehm said there is nothing put on the county farm survey for the cemetery easement, or the electrical easement. Boehm said there was nothing in the ground to show where the easement is. Boehm stated she would have thought the cemetery easement would have been noted when money is being paid for a survey. Edwards suggested tabling the survey bill until the board knows whether the survey is correct, and the cemetery is properly platted out. Tate moved to amend the amendment to remove the survey bill but leave the appraisal bill. Ross seconded said motion.

Shelby County Board Meeting
August 8, 2024

Boehm's motion to amend to pull both bills, seconded by Mayhall failed by voice vote (5 yes – Boehm, Brown, Cole, Mayhall and Morse, 12 no).

Tate's motion to amend the amendment, seconded by Ross failed by voice vote (7 yes, Boehm, Cole, Edwards, Hardy, Martz, Mayhall, Morse, 10 yes).

Firnhaber's motion to pay the claims, with Tate's second passed by roll call vote (11 ayes, 6 no) Ayes: Amling, Brown, Firnhaber, Martz, Nelson, Orman, Otis, Ross, Shuff, Tate, and Williams. Nay: Boehm, Cole, Edwards, Hardy, Mayhall, and Morse).

Cole asked Orman to notify the surveyor about the concerns regarding the cemetery.

At this time (10:30 PM), Chairman Orman called for Public Body comment.

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Public body comments/opinions expressed are summarized as follows:

Many comments related to the audit for FY ending August 31, 2022, and the draft report presented by Mr. Watson

Questions were asked about the initial audit draft emailed on July 25, 2024

Complaints/concerns expressed about the auditing firm

Concerns were expressed about the possible loss of public transportation and the need for those services for people in the community that rely on them

A disabled Navy veteran spoke about the veteran's disability exemption and expressed concerns about that process.

A member of the SOA office also spoke about the process and stated that office followed the law regarding the issuance of all exemptions.

The Sheriff's office and deputies were thanked by Tim Morse for their quick response to a driver who hit a tree in the front yard of the Morse residence early one recent morning.

Finance committee procedures/bill review

The recent farm survey/appraisal and payment of those bills

Timekeeping system not working; issues with system by certain departments

Nelson exited the meeting at 11:15 PM.

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

Ross made motion to adjourn until the next regular meeting to be held on September 12, 2024. Firnhaber seconded said motion, which passed by voice vote (16 yes, 0 no) and the meeting was adjourned at 12:02 A.M.

Jessica Fox
Shelby County Clerk and Recorder