

SHELBY COUNTY BOARD MEETING

July 11, 2024 – 7:00 P.M.

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

The Shelby County Board met on Thursday, July 11, 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 present recited the Pledge of Allegiance and board member Jeremy Williams gave the prayer.

A moment of silence was held for the teenage victims of the July 10 tragic accident.

County Clerk Jessica Fox called the roll. Brown, Martin, McCormick, Morse, and Ross were absent.

Minutes for the June 13, 2024, board meeting was presented for approval. Hardy made motion to approve the minutes. Firnhaber seconded said motion, which passed by voice vote (16 yes, 0 no).

Upon recommendation of the Republican Central Committee, Christie Otis was nominated to fill the vacancy in County Board District #9 created by the resignation of Cody Brands. Williams made motion to approve the appointment. Nelson seconded said motion, which passed by voice vote (16 yes, 0 no).

Clerk Fox administered the oath and Otis took her seat on the board.

Probation CMO Heather Wade and officer Ryan Ambrose addressed the board requesting approval for an intergovernmental agreement with Kane County for juvenile detention services. Kane County will guarantee bed availability for those minors requiring juvenile detention services from Shelby County. Shelby County will be responsible for the transportation of the minors to Kane County, and Wade said she would work with the Sheriff's office on that issue. Wade reported the daily detention costs will be \$175 per day. (IGA attached to these minutes).

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

PSC Chair Mayhall said he had been approached by Animal Control Administrator Angela Miller about rescinding board action declaring the 2012 Chevy AC truck (VIN: 1GNCNKPE06CZ225377) as surplus because she feels the department will still need to rely heavily on the use of this truck.

Mayhall made motion to approve removing from surplus the 2012 Chevy truck used by animal control. Edwards seconded said motion. Discussion was held.

Administrator Miller addressed the board and provided a comparison sheet to the truck and topper approved for purchase by the board, to the vehicle/topper originally requested by Warden Hudson. Miller stated the old truck has 4-wheel drive and the topper is large enough to handle the larger dogs which is normally what they pick up. The cages on the new topper are very small and are above their heads. Miller said the new truck purchased by the board is just sitting because it unfortunately does not meet the needs of the animal control department. Miller said there is no way a large dog would be able to fit in the new topper. Miller informed the board the department needs a heavier truck (3/4 ton) with 4-wheel drive and preferably a chassis type topper for the animals, for ease of loading and officer safety. Money from the dog wash can help to offset the costs of a new truck and topper. Miller was encouraged to review the state bid site for trucks that would be better suited for their needs and see if there would be something available through that site, otherwise a new truck would have to be bid. Miller thanked the board for listening and for the options to look for a new truck.

Mayhall's motion, with Edwards second to rescind the declaration of surplus for the 2012 Chevy animal control truck passed by voice vote (17 yes, 0 no).

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

Michael Tappendorf referred to the monthly report previously sent to the board for review and updated the board on the recent activities of the department. Tappendorf reported the department planned to oil and chip county highway 3, as there is currently no funding available from IDOT for reconstruction of this road. Tappendorf reported that County Highway 5 has no bearing on County Highway 3, but there is only 12 million dollars throughout the entire district and Coles County has a large project that has taken a lot of money. There are no other funding sources so the department will do what they can to temporarily improve the conditions of County Highway 3. Tappendorf has said he has done everything he can do at this time to address issues with County Highway 3, unfortunately there is just no funding available.

Zoning Administrator Scott McKee addressed the board with 3 items for board approval. The road use agreement was tabled at the June 13, 2024, meeting on a motion by Boehm.

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McKee asked if anyone had any questions about the road use agreement. Boehm stated she thought McKee needed to do more research as to what utility companies consider a transmission line, which is normally dependent on the voltage of the line. Boehm encouraged McKee to reach out to the local electric utility companies and get their input. McKee said he would address this issue. McKee informed the board the change in communication tower fees was to incentivize these companies to allow emergency services to use these towers.

Firnhaber made motion to approve the amendment to the fee schedule for communication towers. Martz seconded said motion, which passed by voice vote (17 yes, 0 no).

The final item was a zoning variance for Brian Rushing on parcel 0115-36-00-200-008 so he can build a garage. The width of the parcel is only 50 feet wide and is zoned as agricultural. The Board of Appeal met and approved issuing this variance, as it is currently a hardship for Rushing.

Williams made motion to approve the variance. Bennett seconded said motion, which passed by voice vote (17 yes, 0 no).

Chairman Orman presented for approval salary increases for the full-time Public Defender (\$144,089.76) and for the Sheriff (\$128,079.78) due to the recent cost of living increase in the State's Attorney salary (\$160,099.73) (55 ILCS 5/3-4007). The State reimburses 2/3's of the Public Defender and Sheriff salaries. This salary adjustment will be retroactive to July 1, 2024.

Firnhaber made motion to approve the salary increases as presented. Tate seconded said motion, which passed by roll call vote (17 yes, 0 no). Ayes: Amling, Bennett, Boehm, Cole, Edwards, Firnhaber, Hardy Keenan, Martz, Nelson, Orman, Otis, Ross, Shuff, Tate, Wallace, and Williams. Nays: none.

Tate made motion to allocate 1.25 million in ARPA funds to the Courthouse window project. Firnhaber seconded said motion. A contract for the project has been signed, the Courthouse window replacement is just shy of 1 million dollars and the extra 250,000 is added for any onsite abatements that may need to be taken care of during the project, although Centrica doesn't expect any. Tate's motion, with Firnhaber's second, passed by roll call vote (17 yes, 0 no). Ayes: Amling, Bennett, Boehm, Cole, Edwards, Firnhaber, Hardy Keenan, Martz, Nelson, Orman, Otis, Ross, Shuff, Tate, Wallace, and Williams. Nays: none.

Boehm made motion to pay the first tax installment on the county farm parcels 1812-03-00-100-001 for \$740.77 (80 acres) and 1812-04-00-200-001 for \$2,809.78 (156 acres). Cole seconded said motion. Cole explained the reason she felt the county needed to pay these taxes were because Shelbyville schools and other taxing districts rely on these tax dollars. Orman asked if there were any amounts on the tax bill going to the other school districts, to which Cole responded no. Orman said when he pays his tax bill, his money goes into the general fund, and he has a problem paying taxes for districts he doesn't live in and said this has been the argument since the word go. This ground has not been found to be tax-exempt by the IDOR and some on the board feel this is double taxation, as money from the general fund goes to pay these taxes. Cole responded last year the wheat brought \$117,000 for the which also went into the general fund. Williams also replied this is taxation without representation as he said neither he nor Orman has a single constituent that would benefit from the payment of these taxes. Williams also said Firnhaber made a good point about double taxation. Williams said we are using tax money that has already been paid, to pay taxes again, it's a tax on a tax. Cole said there was \$90,000 worth of tax money paid out for the State's Attorney's office that taxpayers got nothing out of and this county has farm ground that they need to take care of. Cole said she felt the county threw away \$90,000 and didn't think twice about it. Edwards asked if the State's Attorney could give a legal opinion about paying these taxes. Treasurer Firnhaber stated she thought the prior State's Attorney had asked for an Attorney General opinion about the payment of these taxes.

Edwards made motion to table this item. Martz seconded said item. Motion to table passed by voice vote (16 yes, 1 no – Bennett).

Williams made motion to approve the opening of the Closed Session minutes/recordings from the January 12, 2023, minutes and the March 14, 2024, closed meetings. Williams was given an opinion from State's Attorney Woolery on Monday, after the committee had reviewed these closed session minutes in June. Firnhaber seconded said motion, which passed by voice vote (17 yes, 0 no).

Williams made motion to approve a request for Benford & Brown CPAs to ascertain whether or not there are any funds in the State's Attorney's office during Robert Hanlon's time in office to audit. Benford & Brown are to report back to the Board Chairman and Legislative Chairman within 45 days upon recommendation of the Legislative Committee. Firnhaber seconded said motion. Williams said he had asked several department heads if they had knowledge of any funds managed by the department head that should be audited. Williams said he didn't get any positive indications back, but that the funds in the budget are at the

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discretion of the department head. If Benford & Brown says there are funds to be audited in the SA office budget, the board could hire another firm to do the audit. Williams said they gave them 45 days since the 2022 audit is very late. Williams said since that firm has a lot of documentation from that office already, they are in a prime position to tell the county if there are any funds to audit. Orman said there are funds that the board manages and special funds that elected officials manage, such as the Circuit Clerk who must get a single audit yearly. Mayhall stated the board should make sure there are no conflicts of interests with this issue. Mayhall said he had 2 court cases in front of him where prior State's Attorney Robert Hanlon represented a founding member of the Benford & Brown auditing firm. Mayhall stated this is a significant conflict of interest. Mayhall said Benford & Brown should not have any input into this issue. Orman said he would contend the integrity of an auditor is something they hold near and dear. Mayhall said he has a settlement in Feb of 2023 where Hanlon was representing this firm. Orman said it is not about the officer its about the office and this is where we get hung up in the weeds. Orman said Benford & Brown has no bearing of who was in the office. Mayhall said if he heard Orman right, Orman saw no conflict of interest, to which Orman replied right as there are many CPAs in that firm and he doesn't know who is involved with our audit but doesn't think Ms. Benford is involved. Boehm asked why the county board wouldn't hire another firm to do this audit and Orman said this is simply a yes or no question, are there any funds to audit. Woolery replied that statutorily (55 ILCS 5/6-31005) the offices have public funds that should be audited when office heads change, it is all county taxpayer's money. The head of that office has the discretion to funnel that money where they need it. Woolery said she believed the statute required once there is turn over an audit must be done, she had no opinion whether that would be a forensic audit or a simple audit. Woolery said it was her opinion that the board also avoid the appearance of impropriety and she felt Mayhall had shown a very specific conflict of interest between the auditing firm and the head of the office who was controlling those funds during a period of time. Mayhall said he had done research on this firm and nothing on their site indicates any type of governmental accounting experience. Orman said Benford has a master's degree in governmental accounting, and she is a partner in the firm. Shuff asked why we weren't just going ahead and going the audit if we were required to.

Bennett called for the vote.

William's motion, with Firnhaber's second passed by roll call vote (10 yes, 7 nays).
Ayes: Amling, Bennett, Edwards, Firnhaber, Keenan, Nelson, Orman, Otis, Tate, and Williams.
Nays: Boehm, Cole, Hardy, Martz, Mayhall, Shuff, and Wallace.

Firnhaber made motion to remove from the table the timekeeping policy. Williams seconded said motion which passed by voice vote (13 yes, 4 no – Boehm, Cole, Edwards, and Mayhall).

Firnhaber made motion to approve the timekeeping policy. Williams seconded said motion. A lengthy discussion was held. Mayhall asked if CIRMA had taken a look at this policy and had helped write it. Firnhaber said they have emails from CIRMA who has reviewed this policy and given recommendations into the timekeeping policy which the legislative committee reviewed and passed. Mayhall stated there seems to be a lot of challenges with this timekeeping system for some departments. To withhold pay due to a system being down is an unfair policy and there are no exception to allow for more payroll submissions. Mayhall said there are some serious issues with this policy. The State's Attorney provided an opinion which conflicts with the timekeeping policy. Orman responded issues with the timekeeping system being down are a temporary problem which is attributed to power outage or server glitch. The system is still saving data being input by the employee. Ultimately this system is a uniform system across the county which takes risks out of the equation, there is no question there is an electronic signature on everything. A piece of paper can be erased, covered with white out, and it is up to the integrity of everyone involved to hold themselves accountable. With the electronic timekeeping system there is no question. The system will only work properly if employees/management get into it daily as discussed by the Legislative committee per Firnhaber. Firnhaber said employees and managers should be doing this daily as those who are doing this daily are not having any issues. Firnhaber said this is being done to protect everyone, employees, department heads, and taxpayers and reflects a true and accurate payroll. Boehm said to her understanding there are still employee payroll issues under the FOP contract and asked why it was 2-3 days after the pay period, before department heads are given a report, so they can check payroll themselves. Boehm said she didn't understand why there was such a refusal to have someone from CIC come and help figure out some of these issues the Sheriff's office is having, but there seems to be a resistance to getting people here to try and help. Orman said the department heads need to be staying up on the electronic timekeeping systems daily. Firnhaber said it was her understanding dispatch and corrections managers were having no issues with the time keeping system, the problem seems to lie with the deputies. Sheriff McReynolds agreed to sit down and go over payroll with the Treasurer, which SA Woolery said they attempted to do. CIC was here for 2 days to do remote training which was very quick. Probation CMO Wade said she has been requesting an additional training since May and was still requesting more training as she felt it was very necessary, although she only has 1 employee that uses the timeclock. Wallace said Highway Engineer Tappendorf was willing to help anyone having issues, although he understood the variables the Sheriff's office deals with that don't relate to other departments that aren't 24/7. Williams said

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that increased training efforts were part of the agreement the legislative committee discussed on July 2 when the committee decided to bring this to tonight's meeting. The Treasurer has reached out to CIC who can do some Zoom training. Williams agreed additional training is a need, he understands people have developed questions as they have used the timeclock and the TCP program. CIC is also working on getting a contract with a secondary internet company, so they have a backup for the system. Mayhall said there is no lack of willingness to use electronic timekeeping, there is a lack of knowledge/training. Mayhall said there needs to be a cooperation and partnership and not take elected official to task in a public meeting, as they want to make sure their people are getting paid accurately and on time. Employees are going to get paid for what they worked, no pay will be withheld, but there is a window of time (72 hours) the Treasurer's office must process payroll and they don't have time to try and figure how an employee might want paid if the time has not been properly entered into the system. If something is missed, it will be added on to the next payroll period. Woolery said she had concerns about the system being able to handle the Sheriff's needs.

Orman called the vote. Firnhaber's motion, with Williams second passed by roll call vote (12 yes, 5 no). Ayes: Amling, Bennett, Firnhaber, Hardy, Keenan, Nelson, Orman, Otis, Shuff, Tate, Wallace, and Williams. Nays: Boehm, Cole, Edwards, Martz, and Mayhall.

Williams made motion to approve an amendment to the County Credit Card Policy to include the Probation Department and the Circuit Judges office. Firnhaber seconded said motion, which passed by voice vote (17 yes, 0 no).

Firnhaber made motion to approve the list of Election Judges for 2024-2026, as submitted by the party chairs/precinct committee persons. Tate seconded said motion. (Some names were inadvertently left off the list received by the board members and a correct list was emailed to the board). List of EJ's to be commissioned by the Judge attached to these minutes.

Firnhaber's motion to approve, seconded by Tate passed by voice vote (17 yes, 0 no).

Chairman Orman called for committee reports. Reports were given and items presented for follow-up are as follows: (Committee reports are attached to these minutes).

Finance committee chair Bennett deferred to board member Nelson who state pursuant to 55 ILCS 5/3-6018 (Sheriff control of internal operations) and the board's order of business, Finance will no longer review the Sheriff's bills, as the statute directs them to be paid.

Public Safety committee chair Mayhall said the committee had a great meeting last week and thanked Ms. Miller for stepping up and helping out with animal control and stated he appreciated the partnership with those involved.

Under Chairman updates Orman stated this afternoon he had a lengthy call with the auditor, they went through an overview of what is coming, they still have recommendations for some information to be finalized and they have yet another phone meeting to iron down the final report. Orman said what is taking so long is that every time they get into final report mode, something else pops up. An account that was not accounted for or an unknown. This will all come through and the auditors will explain that in their auditor report hopefully in the very near future.

Orman said in June the 9-1-1 board decided to move forward with an expansion project and move some repeaters around and add some repeaters funded by 9-1-1.

Orman reported there was no correspondence.

Under ARPA fund updates, Boehm said if she was reading the report correctly it looked like there was 1,117,614 not committed to anything, and this has to be earmarked by the end of December 2024.

There was no old business.

Mayhall made motion to pay the bills for July. Bennett seconded said motion.

Bennett said he needed to amend some of the claims, they had received invoices for the Coroner's Visa bill (\$282.19) and also received an answer as to the \$2,500 in office space for the coroner. The only question was when during the FY is this money being paid. In the past this was normally paid at the end of the FY (August). Coroner Phegley has submitted this payment in July which is mid-year. This money is in the coroner's budget. A bill for office essentials (\$93.45) for the Board of Review was also included in the amendment. Mayhall seconded motion to amend the bills. Amendments passed by voice vote (17 yes, 0 no).

Payment of claims as amended passed by roll call vote (17 yes, 0 no Ayes: Amling, Bennett, Boehm, Cole, Edwards, Firnhaber, Hardy Keenan, Martz, Nelson, Orman, Otis, Ross, Shuff, Tate, Wallace, and Williams. Nays: none.

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At this time (9:19 PM), Chairman Orman called for Public Body Comment.

Meeting livestream archived at shelbycounty-il.gov on the Shelby County YouTube.

Public Body Comments/Opinions expressed are summarized as follows:

Questions about dive team response procedures/agreements with other counties
Animal Control truck issues
Communication, leadership, words with good actions
SA audit required by statute
Social media posts
County audit
Respect/lack of respect

Williams made motion to adjourn until the next regular meeting to be held on August 8, 2024. Nelson seconded said motion, which passed by voice vote (17 yes, 0 no). The meeting was adjourned at 9:54 P.M.

Jessica Fox
Shelby County Clerk and Recorder