

November 4, 2020

SPECIAL SHELBY COUNTY BOARD MEETING AGENDA

November 6, 2020 –12:00 P. M.

Lion's Club Building in Forest Park, Shelbyville

1. Call to Order-Prayer- Pledge of Allegiance
2. Roll Call
3. Bruce Cannon, Chairman – Closed Session pursuant to 55 ILCS 5/3 – 10020
Removal of County Treasurer for Cause
4. LaVonne Chaney Motion to remove Erica Firnhaber as County Treasurer
5. Public Body Comment
6. Adjournment

Please silence cell phones during the Board meeting.

SPECIAL MEETING OF THE SHELBY COUNTY BOARD
November 6, 2020 at 1:00 PM

The Shelby County Board met on Friday, November 6, 2020 at 1:00 P.M. at the Lion's Club Building in Forest Park in Shelbyville, Illinois for a special meeting.

Chairman Bruce Cannon called the meeting to order. All present recited the Pledge of Allegiance.

County Clerk Jessica Fox called the roll. Lenz was absent.

Chairman Cannon stated the purpose of the special meeting was to discuss whether County Treasurer Erica Firnhaber had misled or misadvised the board and to possibly act on her removal. Cannon informed the standing room only crowd that while the agenda stated the board would go into closed session for this purpose, he hoped the topic could be discussed in open session. Cannon stated the board was falling apart due to accusations of corruptions. Cannon stated the board has a business of a county to run.

Firnhaber was not in session as this meeting due to a previously planned vacation.

Swits made motion to enter Closed Session. Brad Halbrook questioned the Chair on the accommodations of the building, that it was not large enough to hold the crowd and the meeting should be postponed. Halbrook also asked that the public body comment portion of the meeting be moved to the front of the agenda, so those in the audience could voice their concerns over the issue of removing Firnhaber as Treasurer. Halbrook spoke on the achievements of the Shelby County Republican party and their mission to protect property owners in Shelby County. Halbrook described the actions of this board in attempting to remove Firnhaber as a "modern day witch hunt" and encouraged those members who were behind this action to immediately resign.

Gary Patterson spoke on the comments made against him and stated tax rates had gone down since he has taken office. Patterson stated he had received nothing but encouragement in the last 2 weeks and knows he is making good decisions on behalf of the taxpayers.

Baker made a motion to move public body comment to the beginning of the agenda. Slifer seconded the motion. Kirk Allen from the ECWD asked Cannon if he could address the crowd. Allen stated he understood the crowd's emotions and stated the board must function and the crowd needed to listen as that is how the electoral process happens. Allen encouraged the crowd to let this process work and assured them it would work out. Slifer asked if the County had legal counsel present. State's Attorney Vonderheide was not in attendance.

Cannon stated it was the process of the board to manage the personnel of the county and to oversee the budget and pay the bills. There was a hearing held on Friday, October 30 regarding the hearing of Ed Flynn's bill, which the board has previously instructed the Treasurer to pay. Treasurer Firnhaber had asked for a legal opinion about this bill on more than one occasion.

Following a roll call vote, which ended in a tie, Chairman Cannon cast the vote to allow public body comment to be made prior to the motion. Those voting yes: Baker, Chaney, Ditzler, Drnjevic, Gergeni, Orman, Patterson, Slifer, Tate and Cannon. Nay – Barr, Bennett, Coffman, Durbin, Hayden, Metzger, Simpson, Swits and Williams. (Motion carried 10-9).

After an explanation from Cannon, that issues had been ongoing for the last 2 years regarding payroll, timeclock, hiring of outside counsel and nonpayment of the Flynn bills. The Judge ruled that Firnhaber had to pay the bill on Friday, October 30th, and he was paid. Firnhaber was represented in this case by Andrew Koester, the Clay County State's Attorney, and the Shelby County Board was represented by Chad Miller, the Jasper County State's Attorney. Chief Circuit Judge Kimberly Koester heard the case, which has been appealed.

Public body comment continued.

Public body comment covered the hiring of Flynn, Shelby County's lack of legal guidance, other issues involving various county offices, such as gun sales, the county highway engineer, the county farm lease and the real estate taxes associated with the county farm. Other topics discussed were the conspiracy to undermine an election (by removing Firnhaber who was elected by over 6,000 voters in November of 2018), to the way Firnhaber had been treated by the board since taking office.

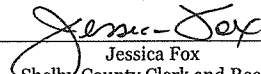
Jeremy Williams asked for the resignation of Larry Lenz, since Lenz was not in attendance, which left only 1/2 of this representation in attendance.

Board member Drnjevic suggested a "counseling session" between the new State's Attorney, Board Chair and Firnhaber and a letter to be included in her personnel file. Since this was not on the agenda, this motion provided by Drnjevic will be added to the November 12th agenda.

Board member LaVonne Chaney stated she would remove her motion for removal of the Treasurer but requested the new State's Attorney investigate this matter. This was met with a round of applause and cheers from the audience.

No other business could come before the Shelby County Board.

Orman made motion to adjourn. Slifer seconded said motion, which passed by voice vote and the meeting was adjourned at 1:26 PM.



Jessica Fox
Shelby County Clerk and Recorder

STATE OF ILLINOIS

ROLL CALL VOTES IN COUNTY BOARD

SHELBY COUNTY

Nov. 6, 2020

Special MEETING

		ROLL CALL			QUESTIONS							
			11/6/2020	1/2020	Public Body ON MOTIONS TO Comment	Prior to motion	ON MOTIONS TO		ON MOTIONS TO		ON MOTIONS TO	
COUNTY BOARD MEMBERS		MILEAGE	A.M.	P.M.	AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY
	BAKER, EARL	50	✓		1							
110	BARR, KENNETH	50	✓			1						
117	BENNETT, BARBARA	40	✓			2						
45	CANNON, BRUCE	26	✓		10							
	CHANEY, LAVONNE		✓		2							
510	COFFMAN, BRYON	48	✓			3						
	DITZLER, CANDI		✓		3							
500	DRNJEVIC, DENNIS	22	✓		4							
214	DURBIN, JESSE	12	✓			4						
105	GERGENI, GARY	26	✓		5							
177	HAYDEN, RICHARD	44	✓			5						
206	LENZ, LARRY <i>Absent</i>	26	✓									
511	METZGER, TERRY		✓			6						
	ORMAN, ROBERT	34	✓		6							
	PATTERSON, GARY		✓		7							
274	SIMPSON, ROBERT	32	✓			7						
	SLIFER, JEFF	32	✓		8							
	SWITS, DAVID	34	✓			8						
	TATE, DON	40	✓		9							
	WILLIAMS, LYNN		✓			9						

TO: Members of the County Board:
FROM: LaVonne Chaney

I move to remove from Office County Treasurer Erica Firnhaber effective immediately, according to Illinois Law 55ILCS 5/3-10020 which says a county board can remove a county treasurer for misconduct. Said conduct being to refuse the orders of the county board in the settlement of payments.

Rationale: On three occasions, Treasurer Firnhaber has refused the orders of the board. She refused to pay Attorney Ed Flynn for services rendered to the county in the settlement of the FOP contract. In addition, she has refused to settle the transfers of payroll the board agreed to when the FOP filed a grievance against the board when the employees went to payments in arrears. Also, Treasurer Firnhaber has not paid the taxes on the county owned farmland making the county a delinquent taxpayer with interest being added to the bill.

The following statutes are for clarification.

1. Prompt payments should be made. Mr. Flynn has not been paid for some time, the deputy settlement was ordered in July and to date the taxes on the county farmland have not been paid and interest is being added. Airport farmland has been paid. (Documentation is available to support this). In addition, 4th Circuit Judge Kimberly Koester ordered Ms. Firnhaber to pay Mr. Flynn. When Mr. Flynn went to get his check she gave him two checks that were over 90 days old and that did not cover the amount ordered by the Judge (\$15,749.43 which covered fees we owed as well as a filing fee.) Other officials from the courthouse had to work with her to get her to comply. There was quite a scene at the courthouse.

(55 ILCS 5/3-10006) (from Ch. 34, par. 3-10006)

Sec. 3-10006. Prompt payment. Purchases made pursuant to this Division shall be made in compliance with the "Local Government Prompt Payment Act". (Source: P.A. 86-962.)

2. The county board orders payments. Mr. Flynn's payment, correcting deputies pay and the payment of taxes were ordered by the board.

(55 ILCS 5/3-10014) (from Ch. 34, par. 3-10014)

Sec. 3-10014. Payment of money. No money or funds shall be paid out of any county treasury, except in accordance with an order of the county board, or when payment is specially authorized by law to be made.

In counties which have delegated the authority to pay claims against the county, as provided by Section 1-6006, the County Treasurer may pay funds out of the County Treasury upon the order of the county officials designated to allow or disallow claims made against the county.

(Source: P.A. 86-962.)

(55 ILCS 5/3-10017) (from Ch. 34, par. 3-10017)

Sec. 3-10017. Account and settlement. The county treasurer shall, at any time when required by the county board, render an account and make settlement with the county.

(Source: P.A. 86-962.)

3. Removal from Office. 4th Circuit Judge Kimberly Koester stated clearly that the Treasurer could not refuse to pay an order of the County Board and could be removed from office for doing so.

(55 ILCS 5/3-10020) (from Ch. 34, par. 3-10020)

Sec. 3-10020. Removal for cause; other vacancy. If any county treasurer shall neglect or refuse to render an account, or make settlement at any time when required by law, or refuse to answer any question regarding the operation of the county treasurer's office propounded to him by the county board, or refuse to provide the county board with any requested information concerning the accounts maintained by the county treasurer's office, provided the requests are for information that the county treasurer is required by law to maintain and in a format already maintained by the county treasurer, or is a defaulter, and in arrears with the county, or is guilty of any other misconduct in his office, the county board may remove him from office, and the presiding officer of the county board, with the advice and consent of the county board, may appoint some suitable person to perform the duties of treasurer until his successor is elected, or appointed and qualified; or if by reason of the death or resignation of the county treasurer, or other cause, the said office shall become vacant, then the vacancy shall be filled as provided in The Election Code by appointment of some suitable person to perform the duties of treasurer, until a county treasurer is elected or appointed and qualified. Provided, that in case any county treasurer is called into the active military service of the United States, the appointee shall perform and discharge all the duties of the county treasurer in such county during the time such county treasurer is in the active military service of the United States, and such county treasurer so appointed shall possess all the powers and discharge all the duties of a regularly elected county treasurer under the laws of this State, and shall be paid the same compensation as provided by law for the county treasurer of the county, apportioned as to the time of service, and such appointment and all authority thereunder shall cease upon the discharge of said county treasurer from such active military service of the United States; and provided further, that the office of county treasurer shall not be deemed to be vacant during the time the said county treasurer is in the active military service of the United States. The person so appointed, shall give bond and security, as required by law of the county treasurer.

(Source: P.A. 95-871, eff. 8-21-08.)