

MCHENRY COUNTY BOARD  
MINUTES OF THE REGULAR SESSION MEETING  
OCTOBER 16, 2007

Chairman of the Board – Kenneth D. Koehler (District 2)

<b>District 1</b> Yvonne M. Barnes Marc Munaretto Anna May Miller Dan Shea	<b>District 2</b> Marie M. Chmiel James Heisler Kenneth Koehler Lyn Orphal	<b>District 3</b> Ed Dvorak Mary L Donner Nick Provenzano Barbara Wheeler
<b>District 4</b> Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	<b>District 5</b> John Jung Jr. James P Kennedy Virginia Peschke Tina Hill	<b>District 6</b> Randall Donley Mary T McCann Daniel P Ryan Mary Lou Zierer

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, October 16, 2007.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by County Clerk Katherine C Schultz with Members of the Board, department heads and visitors participating. Mr. Ryan gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine C Schultz. The following members responded: Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano and Koehler. Chairman Koehler declared a quorum present with twenty-four (24) members responding.

Chairman Koehler said he was pulling 10.2 Final Plat for The Hennings Subdivision from the agenda today as Planning and Development does not have everything they need to release this. As well he said he was pulling the New and Unfinished item, 12.1 from the agenda today. Mr. Munaretto pointed out a point of clarification on the Routine Consent Agenda item 15.2 B(9), as it came out of the Finance Committee with no recommendation to the board, he can pull it off for discussion or move it to New and Unfinished Business. Chairman Koehler said he should pull it when we get to that point of the meeting.

MINUTES

Ms. Hill made a motion seconded by Mr. Shea to approve County Board minutes from September 18<sup>th</sup> and October 2<sup>nd</sup>, 2007. Chairman Koehler asked if there were any corrections, there were none. Chairman Koehler asked for a voice vote, the ayes having it, the motion to approve the minutes was approved.

CHAIRMAN'S REMARKS

Chairman Koehler thanked all of those board members that took the time to travel down to Springfield on October 3<sup>rd</sup>. He said although the day was exhausting it felt like something was accomplished. They were able to speak with several different people throughout the day and he considered it to be a successful day, but the proof will be when money starts coming in. Lastly, he said he will be out of town starting Tuesday October 23<sup>rd</sup> for a week, and if there are any concerns you can call Mr. Jung.

SPECIAL RECOGNITION/REPORTS

None

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to pull a petition from the ZBA consent agenda, there was none.

Ms. Wheeler made a motion seconded by Ms. Miller to approve the following Petitions:

- Exb. #07-30; McHenry Twp; Boat and Saddle Assn.; reclass of R1 to R1CV
- Exb. #07-61; McHenry Twp; Barbara Baumann; reclass of R1 to R1V
- Exb. #07-66; McHenry Twp; Nils/Kelly Swanson; reclass of B1 to B1V
- Exb. #07-69; Algonquin Twp; Ray/Kerry Rosene; reclass of R1 to R1V
- Exb. #07-73; Seneca Twp; Holly Kohley; reclass of A1 to A1V
- Exb. #07-74; Dunham Twp; James/Carol Ames; reclass of A1 to A1V

Noting no discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

Ms. Wheeler made a motion seconded by Mr. Dvorak to DENY the following petition as recommended by the ZBA:

- Exb. #07-52; Nunda Twp; Jeffrey/Wendy Orlowski; reclass of A1 to A1C

Chairman Koehler asked for any discussion on the motion to deny, there was none. He said a yes vote is to DENY this petition. Chairman Koehler asked for a roll call vote. The following members responded aye: Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the **motion to DENY has passed**.

PLATS

Ms. Wheeler made a motion seconded by Ms. Miller to approve the following Final Plat noting that the plat is in the room:

- Final Plat – Moroianu Estates, Algonquin Twp

Chairman Koehler asked for a roll call vote. The following members responded aye: Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

PUBLIC COMMENT

Chairman Koehler explained the rules of public comment. The following people spoke:

- |                                    |           |                                    |
|------------------------------------|-----------|------------------------------------|
| Veronica Armstrong of Crystal Lake | against   | Gypsy Moth spraying                |
| Thomas Cynor of Woodstock          | regarding | 12.1-realignment of precinct lines |
| Diane Rodgers of Wonder Lake       | regarding | open burning                       |
| Mary Light of Woodstock            | regarding | Valley Hi Management firm          |

Noting no other people wishing to speak, Chairman Koehler closed this part of the meeting.

NEW AND UNFINISHED BUSINESS

*Reconsideration of the precinct realignment amendment vote*

Chairman Koehler pulled this from the agenda with no date to be returned.

APPOINTMENTS

None

STANDING COMMITTEE CHAIRMAN UPDATES

2030 Plan Commission – Mr. Jung said they met with representatives from Woodstock, Hebron and Union last week and also met with representatives from Kenosha and Walworth County's who gave a presentation of their plans and some of the problems they had. He said they will be meeting with the rest of the community's mayors, presidents and administrators and on November 8<sup>th</sup> they will have a meeting with all of the township supervisors to have them come in and discuss the plan with them.

Ms. Zierer reported that a week ago Saturday Valley Hi had Game Day and it was a huge success. She thanked all of the volunteers and a special thank you to Linda Barrett for doing all of the games for the guests and Ralph for his Jeopardy game which was quite a treat.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the routine consent agenda. Mr. Munaretto asked to remove 15.2 B(2) and B(9); Ms. Peschke asked to pull 15.2 H (1).

Ms. Donner made a motion seconded by Mr. Heisler to approve the Routine Consent Agenda with three items removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

*15.2 B(2) Resolution authorizing a contract for maintenance of security equipment for correctional facility and an emergency appropriation to the Sheriff's 2007 fiscal year budget.*  
Mr. Munaretto made a motion seconded by Ms. Orphal to approve the above-named resolution noting that the second to the last Be it Further Resolved paragraph should be removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

*15.2 B(9) Resolution authorizing entering into a contract agreement with Revere Healthcare, Ltd. to provide management services for Valley Hi Nursing Home*

Mr. Munaretto noted that earlier the Finance and Audit Committee on a 3-3 vote with the Chairman voting aye, this resolution failed and should not have been placed on the Consent Agenda. However, because this committee meeting took place after the board packets were prepared it was difficult to pull it off. For that reason he had removed it but is unclear how to proceed as it failed at committee. Chairman Koehler said it did pass the Valley Hi Committee favorably so counsel said we can bring it up under Valley Hi, however there are no agenda items under Valley Hi. Mr. Munaretto said it was the consensus of the Finance Committee that the full

County Board should have an opportunity to debate this and vote on it. Chairman Koehler said time is of the essence on this issue so we need to bring it forward.

Mr. Munaretto made a motion seconded by Mr. Kennedy to approve the above-named resolution entering into a contract with Revere Healthcare Ltd. to provide management services for Valley Hi Nursing Home.

Chairman Koehler asked for any discussion. Peter Austin, County Administrator, commented that we have a deficit at Valley Hi that has been growing and we have a problem as an organization demonstrating the ability to control that growing loss. He said minor changes have been made in the last few months noting the most significant change has been in nursing. Hiring a management firm would be a dramatic change and the most significant change we can make for Valley Hi. Mr. Austin said we could hire another Administrator but having a firm like Revere would give us the experts needed to help turn around the problems we are having at Valley Hi. He said having an expert by our side gives him a great deal of confidence and that he feels this is a compromise that we can do for 18-24 months as it is a short term agreement. There was another firm interviewed but they wanted to be a long term solution to our problems and that is not what the County wanted for Valley Hi.

Ms. Zierer said she felt this agreement is too expensive and hoped to cut down on agency staff but with this contract it appears that agency staff will rise. She said we will be using their administrator but will be paying him above and beyond the amount of the contract. Ms. Zierer said if we have this kind of money to spend she didn't understand why we couldn't give raises to nurses and the other staff out there and try to get rid of the agency. The high level of care is always the center of attention at Valley Hi. She said that the County received nine applications for the Administrator job which was not acted upon. She would like to see those applications reviewed and some of those people interviewed.

Several board members agreed that Valley Hi has problems that need to be dealt with and a short term management contract would be the way to go for now because of the experts involved. Of concern of some of the board members was that they were not able to review the contract from this company until coming to the meeting this evening. They felt that more time was needed for review and also that it would have been nice to review the other proposed contract to see what the differences were. Mr. Austin stated that the agreement with Revere was not received until today and an important difference between the two companies is that Revere is a short term contract wherein the other company wanted to be a long term solution. Mr. Kennedy stated that by using a management firm we are not going corporate we are hiring experts to help us out; keep our finances at a good level and improve our business practice and operations where it is needed. He added that Ralph and Peter should not have to be spending so much time at Valley Hi which takes them away from their duties here.

Ms. Salgado stated that although she is torn on this, it is imperative that Valley Hi staff embrace whoever we take on board for this and work as a team to make it work so that we don't lose the character and the type of service that we have always provided. Change is difficult but hopefully staff will see this as a positive move to help Valley Hi and get on board to help.

Mr. Provenzano raised several questions. Namely why there is a need for a six month time line area for marketing of Valley Hi? As there is a waiting list to get into Valley Hi it seems a waste of usable time. He questioned the salary of an administrator and if it is capped anywhere; when or will the board review the policy shifts; is communication only going to be between the agency and Mr. Austin or with the County Board and administration; and what mechanism is in place with working with the County Board. With such a short amount of time to review the contract he said

he has many concerns about approving something like this. He feels that the people approved a referendum for the County to be running Valley Hi not a management firm. Mr. Austin said throughout the contract there are references to following County policy and or providing assistance to the County or with County review. He feels confident that Revere will work with the County and defer to our direction and not mandate anything on their own.

There was continued discussion about the pros and cons of having a management firm vs. an administrator to turn Valley Hi around. The cost of this contract is of big concern and many felt that the people would not want the County to continue to lose money every year. Chairman Koehler said what we are doing is making an investment in Valley Hi to improve things for the future. It was asked if we could postpone this for further review and hear the differences between the two firms. Mr. Austin responded that if this is not voted on tonight we will have to ask the current administrator to stay longer because he holds the license to operate the facility. Alternatively, we could hire on a short term basis a firm like Revere to hold the license for a short time. If we are caught in a quick transition we could apply for a temporary license. Ralph has a license application filled out which could be mailed however it was not submitted because of the direction received to look for a management firm. He said he can mail the application and as long as we show that it's in the mail they will allow us to operate the nursing home.

Ms. Hill made a **motion to postpone voting on this until November 6<sup>th</sup>** seconded by Ms. Miller.

Chairman Koehler asked for discussion on the motion to postpone.

Ms. Hill said she felt more time was needed to review this contract. Mr. Provenzano said he is in favor of a management switch but needs to understand the objectives of this firm. He would like to sit down and talk with this company and try to get some questions answered. Mr. Munaretto noted that there have been many meetings to participate in to ask questions and get information. Several board members were against postponement.

Chairman Koehler asked for a roll call vote. The following members responded aye: Ryan, Donner, Hill, Miller and Provenzano. Nay: Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Draffkorn, Dvorak, Hammerand, Heisler, Jung, Kennedy, McCann, Merkel, Munaretto, Orphal, Peschke and Koehler. The vote being five (5) ayes and nineteen (19) nays, Chairman Koehler declared the **motion to postpone failed**.

Chairman Koehler asked for any more discussion on the main motion. Noting none, Chairman Koehler asked for a roll call vote on the main motion. The following members responded aye: Salgado, Chmiel, Draffkorn, Dvorak, Heisler, Hill, Kennedy, Merkel, Munaretto, Orphal, Peschke and Koehler. Nay: Ryan, Shea, Wheeler, Zierer, Barnes, Donley, Donner, Hammerand, Jung, McCann, Miller and Provenzano. The vote being twelve (12) ayes and twelve (12) nays, Chairman Koehler declared the **motion to approve the management services contract for Valley Hi has failed due to a tie vote**.

Mr. Austin asked for more discussion on this now as it is imperative that something be done. He didn't think we could back to committee with this. Ms. Chmiel said she would like to discuss procedures on how to move forward and not go back to committee. Ms. Hill said she had concerns that people are split on what they want as there has been no in-depth conversation and suggested that a COW meeting might help. Chairman Koehler said many good questions have been brought up tonight but we don't have direction yet.

Ms. Wheeler made a **motion to give staff direction to go to a national firm to look for and hire an administrator for the nursing home**.

Chairman Koehler suggested that many things need to be answered and if we are going to change our mission statement for Valley Hi. He suggested holding a COW next Monday, October 22<sup>nd</sup> which will give us a little time to get some additional information.

Ms. Hill asked for a Point of Order as a motion was made. Ms. Wheeler **rescinded her motion.**

Chairman Koehler asked for any further discussion. Mr. Provenzano said that this firm probably has the answers to the questions we are asking tonight, but he would support having an open discussion with Revere either at a CALF or a COW meeting. He would like the COW or CALF to be overseeing Revere for the next ninety days. Ms. Zierer asked for the State's Attorneys opinion on the proper way to proceed. Ms. Courier said that it would be best to send it back to a committee, either Valley Hi or COW.

Chairman Koehler confirmed what Mr. Provenzano was asking which is that this group as a COW or a CALF would be the management team to oversee whoever the management company is for a period of three months. Chairman Koehler said he can not guarantee that this would happen if he makes a motion to reconsider.

Mr. Provenzano made a **motion to reconsider the vote** seconded by Mr. Kennedy.

Chairman Koehler asked for any discussion on the motion to reconsider. There was none.

Chairman Koehler asked for a roll call vote on the motion to reconsider. The following members responded aye: Salgado, Chmiel, Donner, Dvorak, Heisler, Hill, Jung, Kennedy, Merkel, Munaretto, Orphal, Peschke, Provenzano and Koehler. Nay: Ryan, Shea, Wheeler, Zierer, Barnes, Donley, Draffkorn, Hammerand, McCann and Miller. The vote being fourteen (14) ayes and ten (10) nays, Chairman Koehler declared the **motion to reconsider has passed.**

Mr. Provenzano made a **motion to amend the resolution** seconded by Mr. Kennedy **to include a COW oversight for the first ninety (90) days of the implementation of the management contract with Revere Healthcare.**

Chairman Koehler asked for any discussion on the motion to amend.

Mr. Provenzano said that by doing this he is enlarging the circle of debate over the implementation and answering of some of these difficult questions. Some board members were concerned about there being twenty-four bosses and didn't see how this changes anything as there is still a contract with Revere. Mr. Austin asked for a more definitive schedule for a COW meeting, i.e. once a month for the next four months or twice a month for the next four months or such. It was expected not to be less than monthly for the next few months.

Chairman Koehler asked for a roll call vote on the motion to amend. The following members responded aye: Chmiel, Donner, Heisler, Hill, Kennedy, Merkel, Munaretto, Orphal, Peschke, Provenzano and Koehler. Nay: Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Donley, Draffkorn, Dvorak, Hammerand, Jung, McCann and Miller. The vote being eleven (11) ayes and thirteen (13) nays, Chairman Koehler declared the **motion to amend has failed.**

Chairman Koehler asked for any more discussion on the main motion for a contract with Revere Healthcare.

Mr. Hammerand made a **motion to amend to hire Management Performance Associates (MPS) and that we hire our own administrator after six (6) months**, seconded by Ms. McCann.

Mr. Provenzano asked for Point of Order because the original motion is to hire Revere Healthcare and he is fundamentally changing the Resolution to another company. Chairman Koehler explained the motion saying in effect we would not hire Revere we would hire MPS. Assistant State's Attorney Ms. Courier said this **motion is not in order**.

Ms. Hill reiterated that there should still be a COW meeting held on Monday.

Chairman Koehler, noting no further discussion, said there is a **motion on the floor authorizing the County to enter into a contract to hire Revere Healthcare Ltd. to provide management services for Valley Hi Nursing Home**.

Chairman Koehler asked for a roll call vote. The following members responded aye: Salgado, Chmiel, Donner, Draffkorn, Dvorak, Heisler, Hill, Kennedy, Merkel, Munaretto, Orphal, Peschke and Koehler. Nay: Ryan, Shea, Wheeler, Zierer, Barnes, Donley, Hammerand, Jung, McCann, Miller and Provenzano. The vote being thirteen (13) ayes and eleven (11) nays, Chairman Koehler declared the **motion passed**.

Chairman Koehler assured the board that issues raised here today will be addressed. He thanked everyone for the debate.

*15.2 H(1) Resolution for the mandatory federal funding for Veterans Health Care Advisory Referendum*

Ms. Peschke made a motion to table this resolution seconded by Mr. Kennedy.

Ms. Peschke stated that two issues came up, one being the extreme expense of putting a referendum on the primary ballot because you have two partisan ballots and this would create a third ballot; and secondly some of the veterans organizations are not sure they are supporting it.

Chairman Koehler asked for a voice vote, the ayes having it, the motion is passed.

**ORDINANCES**

For Review: Ordinance authorizing the Annual appropriations for FY 06-07 budget  
Ordinance providing for the levy of taxes for McHenry County fiscal year December 1, 2007 through November 30, 2008 in the amount of \$70,218,507.  
Ordinance to amend Article X of the McHenry County Public Health Ordinance  
Ordinance authorizing an extension to the Cable Television Franchise Agreement with Comcast of Northern Illinois, Inc and Comcast of Illinois/Texas, Inc.

Mr. Munaretto stated that the Annual Appropriations ordinance and Tax Levy Ordinances are being put up for the required statutory review for 30 days.

Ms. Peschke said the ordinance on review to amend Article X of the Public Health Ordinance is basic language clean up and on waste disposal. There were restrictions on temporary uses of porta-potties, and it is being moved to definition of seasonal uses. It was asked if this applies to all festivals like sports activities or just Agritourism. Ms. Peschke said the definition of seasonal doesn't refer just to Agritourism it is across the board.

Ms. Hill said the extension of the cable agreement is only until March 2008 while they figure out all of the new laws.

ADMINISTRATOR'S REPORT

Mr. Austin said a written report was put on board member's desks and also e-mailed. If there are any questions he asked that you give him a call.

EXECUTIVE SESSION

Chairman Koehler said there is a need to go into executive session to discuss Pending Litigation.

Ms. Barnes made a motion seconded by Mr. Heisler to go into executive session.

Mr. Shea made a motion seconded by Ms. Donner to go into regular session.  
Chairman Koehler asked for a roll call vote. The following members responded aye: Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano and Koehler. Absent: Heisler. The vote being twenty-three (23) ayes and one (1) absent, Chairman Koehler declared the motion passed.

Executive session ran from 9:20 p.m. to 10:15 p.m.

MEMBERS' COMMENTS

Ms. McCann suggested that the board get some training on the big picture of environmental situations that we are up against if they are going to the ZBA.

ADJOURNMENT

Ms. Barnes made a motion seconded by Ms. Donner to adjourn at 10:20 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 6<sup>th</sup> day of November, A.D., 2007.

S/ Kenneth D. Koehler  
Kenneth D. Koehler, Chairman  
McHenry County Board

ATTEST:

S/ Katherine C. Schultz  
Katherine C. Schultz, County Clerk