

MCHENRY COUNTY BOARD  
MINUTES OF THE SPECIAL SESSION MEETING  
NOVEMBER 25, 2008

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

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

The Honorable County Board of McHenry County, Illinois met in Special Session on Tuesday, November 25, 2008.

Chairman Koehler called the meeting to order at 9:00 a.m. The Pledge of Allegiance to the Flag was led by Mr. Dvorak with Members of the Board, department heads and visitors participating. Invocation/Personal remarks were made by Ms. Donner

ROLL CALL

The roll was called by Deputy Clerk Linda FitzGerald. The following members responded: Zierer, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler and Koehler. Absent: Chmiel. Chairman Koehler declared a quorum present with twenty-three (23) members responding.

PUBLIC COMMENT

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

EXECUTIVE SESSION

Chairman Koehler said there was a need to go into executive session to discuss Personnel and Litigation. Mr. Kennedy made a motion seconded by Mr. Provenzano to go into executive session.

Mr. Heisler made a motion seconded by Ms. Miller to return to open session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Zierer, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler and Koehler. Absent: Chmiel. Chairman Koehler declared a quorum present with twenty-three (23) members responding. Chairman Koehler noted no action was taken in executive session.

Executive session ran from 9:04 a.m. to 9:40 a.m.

NEW BUSINESS

5.1 *Resolution authorizing the hiring of a Director for Planning and Development*

Ms. Wheeler made a motion seconded by Mr. Merkel to approve the above-named resolution.

Chairman Koehler asked for any discussion. Board members asked about the vehicle allowance being given, if the vacation time being offered was standard and if this person would be moving to McHenry County. Mr. Austin responded that he believed the vacation time was based on what he was making at his present position. The vehicle allowance would be \$350 per month and no mileage. Mr. Austin added that if he needed to take a car to Springfield or Chicago then he might use an administrative vehicle then there would be mileage. As far as moving to the County, Mr. Austin said at this time there is no plan for him to move to the county and it is not required for him to do so. Ms. Hill commented that she talked with the Auditor briefly about the vehicle policy, and for those that travel in a 25 mile radius that benefit comes to \$10,000 a year, so \$350 per month is not where some of our other employees are.

Some board members were concerned about the amount this new person would be making as it is more than the past Director who had more experience. With the economy being what it is, it was suggested that a lower amount be considered. It was noted that the person being hired has experience and a master's degree and what we are offering is not the highest in a six county area.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Zierer, Barnes, Donner, Draffkorn, Dvorak, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler and Koehler. Nay: Donley and Hammerand. Absent: Chmiel. The vote being twenty-one (21) ayes and two (2) nays noting one (1) absent, Chairman Koehler declared the motion to approve the hiring of a new Planning and Development Director has passed.

#### *5.2 Resolution authorizing adoption of amendments to the McHenry County Board Rules*

Chairman Koehler said Ms. Rein of the State's Attorney's office was going to talk about procedure for the organizational meeting on December 1<sup>st</sup>.

Ms. Rein said that the board rules state that the vote should be by roll call for both the Chairman and Vice Chairman. What will take place as the rules indicate is that a temporary chairman will be appointed which is done by nomination without a second and a voice vote can be taken. Once that is done the Chairman position nominations will be taken, this does not require a second; once it appears nominations have concluded, they will then make a motion to vote on that. When the roll is called, the voter will need to state which nominee they are voting for based on the nominations and it will take a majority (13) of the members present to have that person declared the Chairman. The same procedure is done for the Vice Chairman position. If there are multiple nominees and the voting first time around does not get a majority for one person, the lowest vote getter does not get taken out of the nominations. If a nominee does not want to be considered any longer, they can declare so and the roll call will continue with those nominees wishing to still be considered. Ms. Rein said it was brought to her attention that some might want to do a secret ballot. She said it is another method available for voting people into these positions however she doesn't have the language with her right now.

Mr. Munaretto pointed out that the way Ms. Rein is describing the nomination, closing of the nominations and voting process is distinctly different from how the past County Board's have behaved when there were multiple candidates. He wanted to make sure that it is clear in everyone's minds how we will be voting on December 1<sup>st</sup>. The custom of the County Board in the past has been to raise a name in nomination, vote it up or down and then move to another name in nomination. He wondered why we are changing what the custom has been in the past.

Ms. Rein said she reviewed board minutes from the past two organizational meetings and it did not appear to be how it was done. Ms. Rein said custom does matter as Robert's Rules indicate, but that was not reflected in the minutes that she reviewed and County Board rules are vague on procedure, simply stating a roll call vote is necessary.

Mr. Munaretto said he had a point of order that any changes being recommended to the County Board rules requires that the information be provided in writing to the County Board 14 days in advance of the time it may consider it. He said this information could have been e-mailed to the board and provided in advance so that the board could have reviewed it before the meeting today. Ms. Rein said that the 14 day rule would have to be waived before any change could be considered.

Mr. Ryan made a **motion** seconded by Mr. Dvorak to **waive the 14 day review** of amendments to the McHenry County Board rules.

Chairman Koehler asked for any discussion on the motion to waive the 14 day review.

Mr. Ryan said he would like to have a secret ballot on this because of the number of people running. Other board members disagreed saying constituents have a right to know how board members are voting. Ms. Hill said she was concerned because Management Services did not see this at all and doesn't think there should be last minute changes. Board members overall agreed they did not wish to waive the 14 day review. Ms. Wheeler commented that she agreed with the danger of waiving the 14 day review, however more so she is concerned about this fear factor that twenty-four board members would have to worry about retribution, and this is something that needs to be looked into.

Chairman Koehler asked for a voice vote on the motion to waive the 14 day review, the nays had it, however a roll call vote was asked for by the board.

Chairman Koehler asked for a roll call vote. The following members responded aye: Zierer, Donley, Dvorak, Hammerand, Heisler, Merkel, Provenzano, Ryan and Shea. Nay: Barnes, Donner, Draffkorn, Hill, Jung, Kennedy, McCann, Miller, Munaretto, Orphal, Peschke, Salgado, Wheeler and Koehler. Absent: Chmiel.

The vote being nine (9) ayes and fourteen (14) nays, noting one (1) absent, Chairman Koehler declared the **motion to waive the 14 day review period for amendments to the County Board rules has failed.**

COMMENTS

Mr. Munaretto told the board that on Friday there was a slight crack in the capital markets that allowed us to capture an opportunity to complete our \$4.5 million dollar Debt certificate offering at favorable interest rates. He said they have placed \$4.5 million dollars in the capital markets and the Purchase Agreement was signed today with a rate of 3.949% for a ten year period.

Ms. Wheeler asked Ms. Rein about voting on Monday, in the rare chance that someone is not there, is it always thirteen or a majority of the board present. Ms. Rein said it specifically speaks to the board present. Ms. Wheeler went back and read the minutes of December 2004 and how that meeting was done. It was done where the nominations are done, and then the first nominee is voted on, if thirteen votes are not received you go to the second nomination. Ms. Rein said that is not the way she intended it to be, but based on custom that should be how it is done, if it is the custom of the board. Mr. Munaretto said the board needs to be clear on that before Monday. Ms. Rein said she would check into this further and e-mail all board members with her findings and recommendations. Ms. Rein said you should look to custom as to what you do, although Robert's Rules does not say that it necessarily has to be that way when your board rules don't speak to a procedure. Ms. Hill asked if it was appropriate to have a consensus of the board to stick to the customary ways, if everyone chooses to stick to custom, then this requires no further research.

Mr. Hammerand talked about the debt certificates. He said for many years people have been able to buy insured long term mini bonds on the market through municipal bond funds etc. One by one most of the brokerages have discontinued their services and Vanguard, one of the larger municipal bond funds, has chosen to remove insured muni bonds from their list of funds and instead they are going to just produce bond funds with muni bonds in it, may be insured may be not. He call them and asked why and they felt that after reviewing the bonds that are in the market they wouldn't be able to fulfill their commitments to the people who have interest in quality insured municipal bonds. They couldn't find enough quality in municipal bonds that they wanted to be involved with. He thought that this was a telling thing for the market.

Ms. Donner wished everyone a Happy and Blessed Thanksgiving.

Chairman Koehler asked for direction from the board on how things will be done for voting on Monday. He said we follow the historical way that we've done this before or we follow Robert's Rules. Ms. Rein said that in Robert's Rules a roll call vote is one of the least common ways to do voting, with ballots being more common. That is why she recommended the change that she did. Chairman Koehler did a hand count and more people seemed interested in the customary way of doing things. Chairman Koehler said legal counsel will define that with a memo to everyone.

Mr. Provenzano talked about towing saying that a Resolution was voted on by the ICC on November 13<sup>th</sup> allowing McHenry County to opt out of the relocation towing oversight agreement by the ICC. There was no movement in the IL legislatures veto session on any pending bills for separating the relocation towing from the safety towing.

Chairman Koehler said the discussion of the voting was for everyone to understand what we were supposed to be doing and to understand what the procedure has been. He thanked Ms. Rein for her research on this and how things are done.

ADJOURNMENT

Mr. Heisler made a motion seconded by Mr. Shea to adjourn at 10:40 . Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 16<sup>th</sup> day of December, A.D., 2008.

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

ATTEST:

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

APPROVED: 12.16.08