

MCHENRY COUNTY BOARD  
MINUTES OF THE REGULAR SESSION MEETING  
OCTOBER 5, 2010

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

<b>District 1</b> Yvonne M. Barnes Robert Bless Anna May Miller Marc Munaretto	<b>District 2</b> J.S. "Scott" Breeden James Heisler Kenneth Koehler Lyn Orphal	<b>District 3</b> Mary L Donner Ed Dvorak Kathleen Bergan Schmidt Barbara Wheeler
<b>District 4</b> Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	<b>District 5</b> Tina Hill James P Kennedy Virginia Peschke Paula Yensen	<b>District 6</b> Randall Donley Mary T McCann Daniel P Ryan Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, October 5, 2010.

Chairman Koehler called the meeting to order at 9:00 a.m. The Pledge of Allegiance to the Flag was led by County Clerk Katherine Schultz with Members of the Board, department heads and visitors participating. Mr. Munaretto gave the invocation/personal remarks.

**ROLL CALL**

The roll was called by County Clerk Katherine Schultz. The following members responded: Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Hammerand, Heisler, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Ryan, Salgado, Schmidt, Schuster and Koehler. Absent: Dvorak, Hill and Peschke. Chairman Koehler declared a quorum present with twenty-one (21) members responding. Parliamentarian Jamie Rein was present.

**MINUTES**

Chairman Koehler asked if there were any changes or corrections to the Committee of the Whole or County Board minutes of September 21, 2010, there were none.

Ms. McCann made a motion seconded by Ms. Wheeler to approve County Board minutes of September 21, 2010.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to approve minutes has passed.

**CHAIRMAN'S REMARKS**

Chairman Koehler told the board that Ms. Peschke has been in the hospital and is doing better although she will require some rehabilitation. He asked that members keep her in their thoughts and prayers. Also, he said that McHenry County will be hosting the MCCOG meeting on October 21<sup>st</sup> at Deeter's Restaurant. There will be dinner and discussion.

**SPECIAL RECOGNITION/REPORTS**

7.1 Resolution in recognition of Service of Housing Commissioner Walter N Tashjian

Mr. Heisler made a motion seconded by Ms. Miller to approve the above-named resolution.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to approve has passed.

Ms. Ciampi of Planning & Development shared a few comments of her time working with Mr. Tashjian. Chairman Koehler asked for a moment of silence in his honor.

**SPECIAL PRESENTATIONS**

8.1 *Update on Strategic Plan* – John Labaj

Mr. Labaj handed out a written copy of the Strategic Plan Report Card as updated in September and went over the contents noting that the green dots are for being on target, the yellow dots mean there are some concerns and red dots mean we did not meet the target. He said this report is made up of benchmarks/measurements that have been put together that we would hold ourselves up to as a county just to measure our progress on the strategic plan and to see if we were meeting the goals that we had set for ourselves back in 2009. Mr. Labaj highlighted some of the

things that have been happening and some of the areas of concern. He talked about economic development and noted that the GRAFOS project is dead but Mr. Sullivan and IT has been working on a collaborative process with McHenry County Economic Development Corporation, COG and MCC on developing a program participating with the NIU to show and put together the business case for both profit and not for profit entities on why increasing their broadband and internet conductivity is in their best financial interests. They will be relying on NIU to do a study to highlight what they can be doing for themselves and how over a 3-4 year period of time they can really recoup some of their costs in this project. Mr. Labaj said that this is a topic that probably in the future will need greater board scrutiny.

Mr. Labaj said if there were any comments or suggestions on the report card contact himself, Mr. Austin or Adam. Ms. Yensen asked how the economic development opportunity was measured referring to the notation that 75% will enter employment after one year and 80% of those will still be employed after three years. Mr. Labaj said Julie keeps that kind of data and she's part of the Strategic Planning Committee and she felt that the 75% goal had been met and he will get the actual statistics on that. Ms. Yensen asked specifically how you measure a prosperous sustainable economy. Mr. Labaj said how they got to that and how you measure the health of your economy is by the unemployment rate and they felt they could measure how good or bad the workforce is doing their job.

Ms. Wheeler commented regarding economic development that she is concerned about what it is we are trying to achieve or moreover how do we know when we have achieved this goal and are on target and can Management Services do anything to help achieve that goal in a timely manner. Mr. Labaj said the GRAFOS project is no longer on the table so the measuring of letters received is irrelevant at this point it is what we are doing now to substitute that project which is what IT is working on with the collaborative and cost sharing effort with the other entities as mentioned before. The Chairman noted that there are meetings taking place right now to try to bring all of the groups together. Ms. McCann commented that we are making a lot of progress on the wind turbine study with our Wind Taskforce. She and her neighbors were talking that there are a number of main highways where fiber optic cable was laid about ten years ago and it goes from here to Rockford and there is no connectivity in between. There is an increase in numbers of standard phone line connections in the rural area that are not getting repaired and AT&T does not want to be bothered repairing them. Ms. McCann told Mr. Labaj if we could do a taskforce she would be interested in it. A copy of the Strategic Plan Report Card is in the County Board file. Chairman Koehler thanked Mr. Labaj for this report.

#### PLATS

None

#### PUBLIC COMMENT

None

#### NEW AND UNFINISHED BUSINESS

##### *11.1 Continued discussion on FY11 budget development-* Pete Austin and Ralph Sarbaugh

Mr. Austin talked about where we are today in the budget development and at this time we have brought down the projected deficit from \$1.2 million to \$97,431. This has been done with further cost cutting such as eliminating the Gypsy Moth control and Temporary Employment Pool, cuts in IT and the freezing of 25 positions as well as the possibility of freezing 15 more and the reduction in over time. With improved sales tax projections and expenditure cuts the deficit projection has been reduced significantly. In looking at a number this small they feel the budget is largely in balance. Mr. Austin said at this time no merit increase for non-union employees has been figured into the budget. He said he is very grateful for the work of our department heads and elected officials in helping us to get to where we are. He did say the subject of a merit increase is still out there.

Chairman Koehler asked for any questions. Ms. Salgado said she passed out notes on what was discussed at the Human Resources Committee meeting this morning. The Committee asked for information on different options, one of them that was brought up but not noted was a 0% increase and going back to some of our current contracts and asking for some of those increases back. It's just at the discussion point but there's not a strong sentiment coming from the HR Committee to move forward with any increase especially right now not knowing the final numbers. If we move forward without any increases to the non-union staff, she pointed that we are creating a tiered system because we do have those who are under contract that do get increases. Board members talked more about the economic time and increases as well as the possibility of reducing the amounts going to some areas such as the EDC and the Visitors Bureau. It was the understanding of some members that the EDC would be standing on their own by now and perhaps we should just be taking this back over. Mr. Labaj pointed out that it would be a bad message to send to our existing businesses not supporting the EDC, it would look like we are bailing on the EDC and what they do.

It was questioned why the offices of the Sheriff, Assessor and County Clerk were still listed as able to have over time hours. Mr. Austin said those office are bound by law to do certain functions i.e. assessment reviews, elections and

Sheriff's office related duties. Ms. Salgado asked if she could get a break down of overtime in these offices. Also she suggested eliminating the Federal Legislative Consultants as we have local elected officials whose job it is to represent and advocate for us. Mr. Hammerand suggested that Animal Control could maybe be privatized thus saving the county some money as there have been some issues in that area. Mr. Ryan asked about revenue from gravel in McHenry County, perhaps a tax in gravel, to contribute to the damage the hauling of gravel does to our roads. Mr. Sarbaugh said we do generate a property tax for gravel. Mr. Sandquist said there is an equation that's used from the State by the Supervisor of Assessments of Township Assessors to come up with what the property value is based on the gravel use. Most of the sales are not retail sales so it doesn't generate any retail sales tax. Mr. Hammerand said this was looked at years ago, a severance tax so much per square foot of gravel taken out of the county, and we found out at that time, and generally speaking, that the coal mining industry in the south, they vehemently opposed any kind of severance tax that IL mining might impose and they've lobbied their legislators effectively and fixed it so mineral extraction doesn't get a severance tax. So other than through property tax, we wouldn't be able to get a severance tax. Ms. Schuster asked Mr. Sandquist to look into sales tax on gravel. She was under the impression that we were supposed to be getting per ton sales tax on gravel extracted from the county when the gravel mining operation had an office in the county. Mr. Sandquist said he will look into that. Ms. Schmidt commented on this saying a few years ago she looked into this issue and it's the corporate office or the headquarters where the sales tax gets charged, which makes it bad when the corporate office is located in another county. Ms. McCann said in regard to Soil and Water Conservation and cutting 28% of their funding that she would like to see this large of a cut reconsidered as we have used their services a lot to compliment our staff both in P&D and to some extent in Transportation. Ms. Wheeler and Ms. Schuster echoed these comments. Also, Ms. Wheeler said everyone is taking a hit including half of the board in raises, she suggested that if elected officials did not have health benefits and pension, that could save the county quite a bit of money. She asked Mr. Sarbaugh for figures on this. Mr. Austin said we have to be mindful about that type of a compensation change, he's not sure that we could do it this year. Ms. Salgado said she sent out the State's Attorney's opinion, it has to be 180 days if you were to take away that from the election. Right now for just County Board members the county pays about \$245,000 for health insurance. She doesn't know how many members take this though. Next year the whole board is up for election, so if we wanted to make this change and have it applied equally to all members; that would be the time to have the HR Committee looking at this and getting something in place. Chairman Koehler said to Mr. Austin in regard to the conversations and ideas that have been brought up, will these be looked at and brought back. Mr. Austin said they will look at different options but he didn't hear a resounding sentiment to change anything. He would like to bring a draft budget to Finance Committee next Tuesday.

#### APPOINTMENTS

Ms. Barnes made a motion seconded by Ms. Donner to approve the following Appointment:

McHenry Co Emergency Telephone System Board  
Thomas Sanders term to expire 11/30/2010

Chairman Koehler asked for a roll call vote. The following members responded aye: Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Hammerand, Heisler, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Salgado, Schmidt, Schuster and Koehler. Absent: Dvorak, Hill, Peschke and Ryan. The vote being twenty (20) ayes noting four (4) absent, Chairman Koehler declared the motion passed.

#### STANDING COMMITTEE CHAIRMAN UPDATES

None

#### ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda, there were none.

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

Chairman Koehler asked for a roll call vote. The following members responded aye: Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Hammerand, Heisler, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Ryan, Salgado, Schmidt, Schuster and Koehler. Absent: Dvorak, Hill and Peschke. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

#### ORDINANCES

None

ADMINISTRATOR'S REPORT

Mr. Austin said at Law & Justice yesterday they had discussion on the State's Attorney's investigation and how we are going to pay for this. The investigation began in about September 2009 and we received our first court ordered payment around the end of January for services from September to January. At the time they went to Finance Committee and set aside \$100,000 to handle court ordered payments. The initial payment was about \$33,000 or \$34,000 but no bill or invoice was received for services. The judiciary is making sure the invoice they are getting for services is appropriate and that is what we have to pay from. A second court order was received late this summer for work through the end of June and that payment was about \$75,000. We were then over the budgeted amount and went back to Finance and set aside another \$100,000. Unfortunately, we don't know where this is going in terms of cost, but if the case continues the number could be several hundred thousands more. As the documents are sealed in this case we must trust the judiciary that what the county is paying is appropriate. Mr. Hammerand asked once the case is settled will the documents be open to the public. Mr. Wallis responded it will be up to the judge to decide what documents will be kept impounded and what will be released. It was asked if there is no conviction can we go after the person who initiated the charges to recoup some of the money. Mr. Labaj responded that there is a professional service liability contract that we do have for the State's Attorney's office but currently we can't use that policy because the charges that have been leveled against him are outside of the scope of his job description. If at the end of the judicial process he is acquitted there may be some possibility to look at that policy to see if there is some ability for reimbursement. At this time the courts are making the decision that this is worthy of investigation and we must pay what they order us to pay. Board members were concerned that we don't have the ability to see any invoices that we are being ordered to pay. Board members had lengthy discussion on this and the court ordered fees being paid and the possibilities of being able to recoup any monies. Mr. Labaj reminded the board that there could be an appeals process after this is done so there could be additional expense. Chairman Koehler said in regard to appointment process, it depends on if and when there is an opening in that office. If there is more than 12 months left in that office, then the County Board will make the appointment to that office, if there is less than 12 months in the specific case of the State's Attorney, there will be a committee of judges that will convene to make that appointment. In this case because he is a Republican, the appointment must be a Republican and he must be a licensed attorney in the State of IL because he is in a judicial section. If the office is vacated by stepping down or vacated by a judgment that comes down and it is more than 12 months left in the office and it comes to the County Board, the procedure is not really set up as to how that would be done. He believes that a committee would be made up of the Chairman of all standing committees or there would be a special committee put together to receive applicants, noting they would have to be Republican and an IL licensed attorney. They would be reviewed and a recommendation would be brought to the full County Board for their approval. Chairman Koehler said he is told that that same procedure would be for any elected official that the County Board would do that appointment. He's not sure if it applies if it's less than 12 months left in their term of office.

MEMBERS' COMMENTS

None

EXECUTIVE SESSION

None

COMMUNICATIONS

None

ADJOURNMENT

Ms. Miller made a motion seconded by Mr. Hammerand to adjourn at 11:08 a.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 19<sup>th</sup> day of October, A.D., 2010.

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

ATTEST:

s/ Katherine C Schultz  
Katherine C Schultz, County Clerk